

# ADMINISTRATIVE REGISTER OF KENTUCKY



LEGISLATIVE RESEARCH COMMISSION  
Frankfort, Kentucky

VOLUME 38, NUMBER 9  
THURSDAY, MARCH 1, 2012

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#### **MEETING NOTICE: ARRS**

The **Administrative Regulation Review Subcommittee** is **tentatively** scheduled to meet March 12, 2012 at 1:00 p.m. in room 149 Capitol Annex. See **tentative agenda** on pages 1529-1530 of this Administrative Register.

The **ADMINISTRATIVE REGISTER OF KENTUCKY** is the monthly supplement for the 2011 Edition of **KENTUCKY ADMINISTRATIVE REGULATIONS SERVICE**.

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**KENTUCKY ADMINISTRATIVE REGULATIONS** are codified according to the following system and are to be cited by Title, Chapter and Regulation number, as follows:

Title	Chapter	Regulation
806	KAR	50: 155
Cabinet, Department, Board, or Agency	Office, Division, Board, or Major Function	Specific Regulation

#### **ADMINISTRATIVE REGISTER OF KENTUCKY**

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**VOLUME 38, NUMBER 9 – MARCH 1, 2012**

**ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE  
TENTATIVE AGENDA, MARCH 12, 2012, at 1:00 p.m., Room 149 Capitol Annex**

**EDUCATION PROFESSIONAL STANDARDS BOARD**

**Assessment**

16 KAR 6:010. Examination prerequisites for teacher certification.

**OFFICE OF THE GOVERNOR  
Department of Veterans' Affairs**

**State Veterans' Nursing Homes**

17 KAR 3:020. Maximum charge for room and care at state veterans' nursing homes.

**PERSONNEL CABINET**

**Personnel Cabinet, Classified**

101 KAR 2:102. Classified leave administrative regulations. (Deferred from January)  
101 KAR 2:140. Workers' Compensation Fund and Program. (Deferred from January)  
101 KAR 2:180 & E. Employee performance evaluation system. ("E" expires 7/1/2012)

**Personnel Cabinet, Unclassified**

101 KAR 3:015. Leave administrative regulations for the unclassified service. (Deferred from January)

**GENERAL GOVERNMENT CABINET  
Board of Accountancy**

**Board**

201 KAR 1:081. Initial firm license, renewal, and reinstatement.

**Board of Physical Therapy**

**Board**

201 KAR 22:053. Code of ethical standards and standards of practice for physical therapists and physical therapist assistants.

**Kentucky Boxing and Wrestling Authority**

**Athletic Commission**

201 KAR 27:011. General requirements for boxing and kickboxing shows. (Deferred from January)  
201 KAR 27:012. Wrestling show requirements. (Amended After Comments)  
201 KAR 27:016. General requirements for mixed martial arts matches, shows, or exhibitions. (Amended After Comments)  
201 KAR 27:017. Requirements for elimination events. (Deferred from January)  
201 KAR 27:035. Seconds. (Deferred from January)  
201 KAR 27:055. Physicians. (Deferred from January)  
201 KAR 27:100. General requirements for amateur mixed martial arts shows. (Amended After Comments)

**Real Estate Appraisers Board**

**Board**

201 KAR 30:040. Standards of practice.

**OFFICE OF THE GOVERNOR  
Department of Veterans' Affairs**

**Kentucky Veterans' Program Trust Fund**

201 KAR 37:010. Kentucky Veterans' Program Trust Fund, administration of fund.

**TOURISM, ARTS AND HERITAGE CABINET  
Kentucky Department of Fish and Wildlife Resources**

**Fish**

301 KAR 1:152. Asian Carp Harvest Program.

**Game**

301 KAR 2:172. Deer hunting seasons, zones, and requirements.  
301 KAR 2:178. Deer hunting on Wildlife Management Areas, state parks, other public lands, and federally controlled areas.

**JUSTICE AND PUBLIC SAFETY CABINET  
Department of Corrections**

**Office of the Secretary**

501 KAR 6:250 & E. Graduated sanctions for technical violations of probation and compliance incentives system. ("E" expires 6/13/2012)  
501 KAR 6:270 & E. Probation and parole policies and procedures. ("E" expires 6/13/2012)

**TRANSPORTATION CABINET  
Department of Vehicle Regulation  
Division of Motor Carriers**

**Division**

601 KAR 1:019. Overweight or overdimensional farm equipment. (Deferred from February)

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET  
Board of Education  
Department of Education**

**Kindergartens and Nursery Schools**

704 KAR 5:070. Common Kindergarten entry screener. (Deferred from February)

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**Department for Libraries and Archives  
Public Records Division**

**Archives**

725 KAR 1:061. Records retention schedules; authorized schedules.

**PUBLIC PROTECTION CABINET  
Department of Insurance  
Consumer Protection Division**

**Administration**

806 KAR 2:095. Accounting and reporting requirements for collecting local government premium tax.

**CABINET FOR HEALTH AND FAMILY SERVICES  
Office of Health Policy**

**Certificate of Need**

900 KAR 6:125. Certificate of Need annual surveys, and registration requirements for new Magnetic Resonance Imaging units. (Deferred from February)

**Department for Medicaid Services  
Commissioner's Office**

**Managed Care**

907 KAR 17:005 & E. Managed care organization requirements and policies. ("E" expires 5/28/2012)(Amended After Comments)

**Department for Community Based Services  
Division of Family Support**

**K-TAP, Kentucky Works, Welfare to Work, State Supplementation**

921 KAR 2:015 & E. Supplemental programs for persons who are aged, blind, or have a disability. ("E" expires 6/26/2012)

**Division of Child Care**

**Day Care**

922 KAR 2:240. Kentucky Early Care and Education Trainer's Credential and training approval.

**REMOVED FROM MARCH 2012 AGENDA**

**GENERAL GOVERNMENT CABINET  
Kentucky Board of Prosthetics, Orthotics, and Pedorthics**

**Board**

201 KAR 44:060. Continuing education requirements and procedures. (Comments Received)  
201 KAR 44:070. Complaint process and disciplinary action procedure. (Comments Received)  
201 KAR 44:080. Renewals. (Comments Received)

**TRANSPORTATION CABINET  
Department of Vehicle Regulation  
Division of Motor Carriers**

**Division**

601 KAR 1:018. Special overweight or overdimensional motor vehicle load permits. (Comments Received)

**GENERAL GOVERNMENT CABINET  
Board of Home Inspectors**

**Board**

815 KAR 6:010. Home inspector licensing requirements and maintenance of records. (Comments Received)  
815 KAR 6:070. Per diem and reimbursement for traveling and other expenses for board members. (Comments Received)

**ADMINISTRATIVE REGULATION REVIEW PROCEDURE - OVERVIEW**  
**(See KRS Chapter 13A for specific provisions)**

**Filing and Publication**

Administrative bodies shall file with the Regulations Compiler all proposed administrative regulations, public hearing and comment period information, regulatory impact analysis and tiering statement, fiscal note, federal mandate comparison, and incorporated material information. Those administrative regulations received by the deadline established in KRS 13A.050 shall be published in the Administrative Register.

**Public Hearing and Public Comment Period**

The administrative body shall schedule a public hearing on proposed administrative regulations which shall not be held before the 21st day or later than the last workday of the month of publication. Written comments shall also be accepted until the end of the calendar month in which the administrative regulation was published.

The administrative regulation shall include: the place, time, and date of the hearing; the manner in which persons may submit notification to attend the hearing and written comments; that notification to attend the hearing shall be sent no later than 5 workdays prior to the hearing date; the deadline for submitting written comments; and the name, position, address, and telephone and fax numbers of the person to whom notification and written comments shall be sent.

The administrative body shall notify the Compiler, by phone and letter, whether the hearing was held or cancelled and whether written comments were received. If the hearing was held or written comments were received, the administrative body shall file a statement of consideration with the Compiler by the fifteenth day of the calendar month following the month of publication.

A transcript of the hearing is not required unless a written request for a transcript is made, and the person requesting the transcript shall have the responsibility of paying for same. A recording may be made in lieu of a transcript.

**Review Procedure**

After the public hearing and public comment period processes are completed, the administrative regulation shall be reviewed by the Administrative Regulation Review Subcommittee at its next meeting. After review by the Subcommittee, the administrative regulation shall be referred by the Legislative Research Commission to an appropriate jurisdictional committee for a second review. The administrative regulation shall be considered as adopted and in effect as of adjournment on the day the appropriate jurisdictional committee meets or 30 days after being referred by LRC, whichever occurs first.

## REPRINT

NOTE: The version of 301 KAR 2:082 published in the February 2012 Administrative Register of Kentucky should have been the version that was amended at the Administrative Regulation Review Subcommittee's meeting of January 9, 2012. Inadvertently the "Amended After Comments" version, originally published in January on page 1341, was republished instead. The "As Amended at ARRS" version of 301 KAR 2:082 is published in its entirety below.

**TOURISM, ARTS AND HERITAGE CABINET**  
**Department of Fish and Wildlife Resources**  
**(As Amended at ARRS, January 9, 2012)**

**301 KAR 2:082. Transportation and holding of exotic wildlife.**

RELATES TO: KRS 150.010, 150.015, 150.305, 150.320, 150.330, 150.990

STATUTORY AUTHORITY: KRS 65.877, [KRS,] 150.025, 150.180, 150.280

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025 authorizes the department to regulate the buying, selling, or transporting of wildlife. KRS 150.180 requires a person transporting live wildlife into Kentucky to obtain a permit from the department. KRS 150.280 authorizes the department to promulgate administrative regulations establishing procedures for the holding of protected wildlife. This administrative regulation establishes the procedure for obtaining a transportation permit for exotic wildlife, prohibits the importation and possession of exotic species with the potential to damage native ecosystems, and places restrictions on importing, transporting, and holding species that are potentially dangerous to human health and safety. [~~EO-2008-516, effective June 16, 2008, reorganizes and renames the Commerce Cabinet as the Tourism, Arts, and Heritage Cabinet.~~]

Section 1. Definitions. (1) "Exotic wildlife" means terrestrial wildlife species which have never naturally existed in the wild in Kentucky including introduced species that have become naturalized, [starling (*Sturnus vulgaris*), English or house sparrow (*Passer domesticus*), and Eurasian collared dove (*Streptopelia decacotta*).]

(2) [~~"Circus" means a traveling public entertainment show consisting of acrobats, clowns, and trained animals.~~]

(3) "Permit" means an individual or annual transportation permit issued by the department.

Section 2. Exemptions. Transportation permits and captive wildlife permits shall not be required for the importation or possession of exotic wildlife and federally threatened or endangered species listed in this administrative regulation by facilities that are accredited by the American Zoo and Aquarium Association.

Section 3. Prohibited Species. (1) Except as specified in Section 2 of this administrative regulation and subsection (3) of this section, a person shall not import or transport through Kentucky or possess in Kentucky the following:

- (a) Baya weaver (*Ploceus philippinus*);
- (b) Blackbirds (Genus *Agelaius*), except native species;
- (c) Cape sparrow (*Passer melanurus*);
- (d) Cowbirds (Genus *Molothrus*), except native species;
- (e) Cuckoo (Family *Cuculidae*), except native species;
- (f) Dioch or red-billed quelea (*Quelea quelea*);
- (g) European blackbird (*Turdus merula*);
- (h) Fieldfare (*Turdus pilaris*);
- (i) Flying fox or fruit bat (Genus *Pteropus*);
- (j) Gambian giant pouched rat (*Cricetomys gambianus*);
- (k) Giant, marine, or cane toad (*Bufo marinus*);
- (l) Hawaiian rice bird or spotted munia (*Lonchura punctulata*);
- (m) Jack rabbit (Genus *Lepus*);
- (n) Java sparrow (*Padda oryzivora*);
- (o) Madagascar weaver (*Foudia madagascariensis*);
- (p) Mistle thrush (*Turdus viscivorus*);
- (q) Monk or Quaker parakeet (*Myiopsitta monachus*);
- (r) Multimammate rat (Subgenus *Mastomys*);
- (s) Mute swan (*Cygnus olor*);
- (t) Nutria (*Myocastor coypus*);
- (u) Prairie dog (*Cynomys* spp.);

- (v) Raccoon dog (*Nyctereutes procyonoides*);
- (w) San Juan rabbit (*Oryctolagus cuniculus*);
- (x) Sky lark (*Alauda arvensis*);
- (y) Song thrush (*Turdus philomelos*);
- (z) Starlings (Family *Sturnidae*) including pink starlings or rosy pastors (*Sturnus roseus*), except for Indian Hill mynahs (*Gracula religiosa*);

- (aa) Suricate or slender-tailed meerkat (Genus *Suricata*);
- (bb) Tongueless or African clawed frog (*Xenopus laevis*);
- (cc) Weaver finches (Genus *Passer*), except *Passer domesticus*;

- (dd) White eyes (Genus *Zosterops*);
- (ee) Wild European rabbit (also called the San Juan Rabbit) not distinguishable morphologically from native wild rabbits;

- (ff) Yellowhammer (*Emberiza citrinella*);
- (gg) A member of the following families:

1. Suidae (pigs or hogs), except for domestic swine;
2. Viverridae (civets, genets, lingsangs, mongooses and fossas);

3. Tayassuidae (peccaries and javelinas).
- (2) Prohibited inherently-dangerous wildlife. Except as specified in Section 2 of this administrative regulation and subsections (3), (5), and (6) of this section, a person shall not import or possess in Kentucky the following:

- (a) Adders or vipers (Family *Viperidae* and *Crotalidae*) (except native species);

- (b) Alligators or caimans (Family *Alligatoridae*);
- (c) African buffalo (*Syncerus caffer*);
- (d) Bears (Family *Ursidae*);
- (e) Cheetah (*Acinonyx jubatus*);
- (f) Clouded leopard (*Neofelis nebulosa*);
- (g) Cobras mambas or coral snakes (Family *Elapidae*);
- (h) Crocodiles (Family *Crocodylidae*);
- (i) Elephants (Family *Elephantidae*);
- (j) Gavials (Family *Gavialidae*);
- (k) Gila monsters or beaded lizards (Family *Helodermatidae*);
- (l) Hippopotamus (*Hippopotamus amphibius*);
- (m) Honey badger or ratel (*Mellivora capensis*);
- (n) Hyenas (Family *Hyaenidae*), all species except aardwolves (*Proteles cristatus*);

- (o) Lions, jaguars, leopards or tigers (Genus *Panthera*);
- (p) Old world badger (*Meles meles*);
- (q) Primates nonhuman (Order *Primates*);
- (r) Rhinoceroses (Family *Rhinocerotidae*);
- (s) Sea snakes (Family *Hydrophidae*);
- (t) Snow leopard (*Uncia uncia*);
- (u) Venomous rear-fanged species (Family *Colubridae*) except hognose snakes (Genus *Heterodon*);
- (v) Wolverine (*Gulo gulo*); or
- (w) Hybrids of all species contained in this list.

- (3) Upon written request, the commissioner may authorize the importation or possession of the species listed in this section by:

- (a) A zoo or facility that is designated as the official zoo of a municipality;

- (b) A government agency;
- (c) A college or university;
- (d) A licensed or accredited educational or research institution;
- (e) A lawfully operated circus; or
- (f) An exhibitor sponsored or contracted by a lawfully operated state or county fair; or

- (g) ~~A person or organization requesting exemption for a service animal, as defined by the Americans with Disabilities Act.~~

- (4) Wildlife possessed or imported into Kentucky per subsections (3) or (5) of this section shall be maintained within an enclosure sufficient [sufficient] to prevent:

- (a) Escape; and
- (b) Direct contact with the public, except local governments

may allow direct contact between the public and Asian elephants (*Elephas maximus*) if:

1. An established local ordinance exists that allows that contact; and

2. That ordinance provides regulatory standards in the areas of:

a. The safety record of the animal or animals;

b. Proper public safeguards;

c. Experience of handlers;

d. Protective barriers; and

e. Third party liability insurance coverage from death or injury in an amount equal to or greater than ~~\$3,000,000~~ ~~[\$500,000]~~ ~~[an established local ordinance exists that allows such contact.]~~ ~~[public; and~~

~~(c) Bodily injury to the public.]~~

(5) A person may apply for a transportation permit to temporarily transport or possess a prohibited animal listed in this section if the animal is within the state for less than ninety-six (96) hours. Transportation permits shall not be issued for consecutive ninety-six (96) hour periods.

(6) Possession of an inherently-dangerous animal prior to the effective date of the amendment to this administrative regulation.

(a) A person who legally possessed in Kentucky an inherently-dangerous animal as defined in subsection (2) of this section prior to July 13, 2005 may continue to possess the animal and shall maintain:

1. Veterinary records;

2. Acquisition papers for the animal; or

3. Any other evidence that establishes that the person possessed the animal in Kentucky prior to July 13, 2005.

(b) A legally-possessed inherently-dangerous animal shall not be bred or replaced without an exemption as established in Sections 2 and 3(3) of this administrative regulation.

(7) If any inherently-dangerous animal escapes, either intentionally or unintentionally, the owner of the animal shall immediately contact local emergency services and the department at 800-252-3578 to report the escape or release.

Section 4. Exotic Wildlife. Unless listed in Section 3(1) of this administrative regulation, or otherwise protected by state or federal law, exotic wildlife shall not:

(1) Be classified as protected wildlife; and

(2) Require a permit from the department for possession.

Section 5. Transportation Permits and Certificate of Veterinary Inspection. (1) Prior to entry into Kentucky, an annual or individual transportation permit as established in 301 KAR 2:081 shall be obtained for all shipments of wildlife. A person shall be responsible for applying for a transportation permit before the person:

(a) Receives a shipment of wildlife;

(b) Imports wildlife for their own use or possession; or

(c) Transports wildlife into and through the state to a destination outside Kentucky;

(2) A copy of a valid transportation permit shall accompany all shipments of wildlife into Kentucky.

(a) An individual transportation permit shall be valid for one (1) shipment of wildlife and shall also permit possession of the wildlife for the designated time period.

(b) An annual transportation permit shall be valid for multiple wildlife shipments for one (1) year from the date of issue and shall also permit possession of the wildlife for the designated time period.

(c) An annual transportation permit holder shall:

1. Notify the department in writing of any changes or additions subsequent to the original application so that an amended permit may be issued prior to subsequent wildlife importation; and

2. Notify the wildlife division by telephone at 502-564-3400 or 800-858-1549 Monday through Friday between 8 a.m. and 4:30 p.m. at least forty-eight (48) hours prior to each shipment of wildlife of with:

a. The date of expected shipment;

b. The source of the shipment;

c. The species being shipped;

d. The number of individuals of each species; and

e. The period of time when the wildlife will be inside the state of Kentucky.

(3) All shipments of wildlife, except for fish, amphibians, and reptiles, shall be accompanied by a certificate of veterinary inspection stating that the wildlife is free from symptoms of disease. A federal quarantine certificate may be substituted for the certificate of veterinary inspection.

Section 6. The following animals shall not require permits from the department for importation:

(1) Alpaca (*Vicugna pacos*);

(2) American bison (*Bison bison*);

(3) Breeds and varieties of goats derived from the wild goat or bezoar (*Capra aegagrus*);

(4) Camels (*Camelus bactrianus* and *Camelus dromedarius*);

(5) Chinchillas (*Chinchilla laniger*);

(6) Cockatoos (family *Cacatuidae*);

(7) Domesticated races of ducks and geese (family *Anatidae*) distinguishable morphologically from wild ducks or geese;

(8) Domesticated races of the European rabbit (*Oryctolagus cuniculus*) distinguishable morphologically from wild rabbits;

(9) Domesticated races of mink (*Mustela vison*), if:

(a) Adults are heavier than 1.15 kilograms; or

(b) The fur color can be distinguished from wild mink;

(10) Domestic swine, except free-roaming or feral wild boars or wild swine;

(11) Domesticated races of rats (*Rattus norvegicus* or *Rattus rattus*) or mice (*Mus musculus*);

(12) Domesticated races of turkeys (*Meleagris gallopavo*) recognized by the American Poultry Association and the U.S. Department of Agriculture; but shall not include captive held or bred wild turkeys;

(13) Domestic yak (*Bos grunniens*);

(14) Gerbils (*Meriones unguiculatus*);

(15) Guinea fowl (*Numida meleagris*);

(16) Guinea pigs (*Cavia porcellus*);

(17) Hamsters (*Mesocricetus* spp.);

(18) Indian Hill mynahs (*Gracula religiosa*);

(19) Llama (*Lama glama*);

(20) Parrots, lovebirds, cockatiels, budgerigar, parakeets (except monk parakeet (*M. monachus*), macaws (family *Psittacidae*);

(21) Peafowl (*Pavo cristatus*);

(22) Pigeons (*Columba domestica* or *Columba livia*) or domesticated races of pigeons;

(23) Ratites, as defined by KRS 247.870; and

(24) Toucans (family *Rhamphastidae*).

Section 7. Applying for Permits. (1) An application for a permit shall be made on the appropriate form.

(2) The applicant shall indicate the source of supply of the wildlife.

(3) After the permit is issued, the permit holder shall retain a bill of sale or other written proof to show that the wildlife was obtained from a legal source.

(4) A permit holder shall show this written proof to a conservation officer upon request.

(5) An applicant shall possess an approved permit before transporting exotic wildlife into Kentucky.

(6) A permit application may be denied if the permit holder has been convicted of a violation of:

(a) Any provision in this administrative regulation; or

(b) Another federal or state wildlife law regarding the holding or transportation of exotic wildlife.

(7) Failure to provide accurate, truthful and complete information on the application form shall result in:

(a) Immediate withdrawal or revocation of the permit; and

(b) Confiscation of the wildlife imported under the permit.

(8) An applicant shall be responsible for knowing and following local ordinances and rules regarding the wildlife to be held in a locality.

Section 8. Endangered Species. A permit may be issued for the transportation or possession of federally endangered or threatened species if:

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- (1) It is not listed in Section 3 of this administrative regulation;  
and  
(2) Proof of lawful possession and acquisition is provided.

Section 9. Inspections and Permit Revocation. (1) A person holding exotic wildlife shall allow a conservation officer to inspect the holding facilities at any reasonable time.

(2) Captive wildlife may be confiscated and the permit revoked if the permit holder violates any provision of this administrative regulation.

Section 10. Release. With the exception of pheasants and chukars, a person shall not release exotic wildlife into the wild.

Section 11. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Annual Transportation Permit Application, June 2008 edition"; and

(b) "Individual Transportation Permit Application, June 2008 edition."

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Sportsman's Lane, Frankfort, Kentucky, Monday through Friday, 8 a.m. to 4:30 p.m.

BENJY KINMAN, Deputy Commissioner,

For DR. JONATHAN GASSETT, Commissioner

MARCHETA SPARROW, Secretary

APPROVED BY AGENCY: December 8, 2011

FILED WITH LRC: December 15, 2011 at 10 a.m.

CONTACT PERSON: Rose Mack, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400, fax (502) 564-9136, email fwpubliccomments@ky.gov.



EMERGENCY ADMINISTRATIVE REGULATIONS FILED AS OF NOON, FEBRUARY 15, 2012

**STATEMENT OF EMERGENCY**  
**201 KAR 11:225E**

Nature of the emergency: This emergency administrative regulation is one that must be placed into effect immediately in order to meet a deadline for the promulgation of an administrative regulation that is established by KRS 324.090(1) and by KRS 324.330(4). KRS 324.090(1) states, in relevant part, that "licenses shall expire annually and shall be renewed each year on the date determined by the commission by administrative regulation." KRS 324.330(4) states: "The commission shall, by promulgation of administrative regulations, require all licensees to file with the commission, at annual renewal, their telephone numbers and, if applicable, their electronic mail addresses." The reasons why an ordinary administrative regulation is not sufficient: An ordinary administrative regulation is not sufficient because it will unduly delay notification and confirmation to licensees that March 31st is the annual deadline date for the renewal of active and escrowed licenses, creating possible confusion over same that should be eliminated for the protection of licensees and the general public. Whether or not the emergency administrative regulation will be replaced by an ordinary administrative regulation: The emergency administrative regulation will be replaced by an ordinary administrative regulation. The ordinary administrative regulation is identical to this emergency administrative regulation. This emergency administrative regulation shall be replaced by an ordinary administrative regulation. The ordinary administrative regulation was filed with the Regulations Compiler on February 14, 2012.

STEVEN L. BESHEAR, Governor  
BOB ROBERTS, Chairperson

**GENERAL GOVERNMENT CABINET**  
**Kentucky Real Estate Commission**  
**(New Emergency Administrative Regulation)**

**201 KAR 11:225E. License renewal, annual requirements and change request procedures.**

RELATES TO: KRS 324.090(1), 324.330(4)  
STATUTORY AUTHORITY: KRS 324.090(1), 324.281(5), 324.282, 324.330(4)  
EFFECTIVE: February 14, 2012  
NECESSITY, FUNCTION, AND CONFORMITY: KRS 324.282 authorizes the Kentucky Real Estate Commission to promulgate administrative regulations necessary to effectively carry out and enforce the provisions of KRS Chapter 324. This administrative regulation establishes an annual renewal deadline date and procedures for a licensee to provide his or her contact information to the commission and to report to the commission any changes to their reported information.

Section 1. A renewed license shall be valid from April 1 to March 31, annually, and shall be canceled by the commission if not renewed by March 31 of each year.

Section 2. Licensee Name Changes. A licensee shall notify the commission of his or her legal name change by promptly completing, signing and filing with the commission the "Licensee Name Change" form. This form shall be accompanied by the ten dollar (\$10.00) fee established in KRS 324.287(6).

Section 3. Licensee Residence Changes, E-mail Addresses and Telephone Numbers. (1) A licensee shall notify the commission of a change of his or her residence address by completing, signing and filing with the commission the "Change of Residential/E-mail Address" form, within ten (10) days from the date of the change.

(2) During the commission's annual online renewal process, a licensee shall provide his or her direct telephone number and electronic mail address, if applicable. A licensee shall promptly report any changes to this information by completing, signing and filing

with the commission the "Change of Residential/E-mail Address" form.

(3) The "Change of Residential/E-mail Address" form shall be accompanied by a completed and signed "Consent to Service of Jurisdiction," if applicable.

Section 4. Change of principal business location, firm name or branch name. A principal broker shall notify the commission of any change of his or her principal business location, firm name or branch office name by promptly completing, signing and filing with the commission the "Request to Change Firm Name – Firm Address – Branch Address" form. This form shall be accompanied by the ten dollar (\$10.00) fee established in KRS 324.287(6).

Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Licensee Name Change", August 2011;
- (b) "Change of Residential/E-Mail Address", August 2011;
- (c) "Consent to Service of Jurisdiction", April 2011; and
- (d) "Request to Change Firm Name – Firm Address – Branch Address", August, 2011.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available from the commission's Web site: [www.krec.ky.gov](http://www.krec.ky.gov)

BOB ROBERTS, Chairperson

APPROVED BY AGENCY: February 8, 2012

FILED WITH LRC: February 14, 2012 at 1 p.m.

CONTACT PERSON: Y. Denise Payne Wade, Acting General Counsel, Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223, phone (502) 429-7250, fax (502) 429-7246.

**REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT**

Contact Person: Y. Denise Payne Wade

(1) A brief summary of:

(a) What the administrative regulation does: This regulation establishes an annual renewal deadline date and procedures for licensees to provide their contact information to the commission and to report to the commission any changes to their reported information.

(b) The necessity of this administrative regulation: Licenses must expire annually and they must be renewed each year on a date determined by the commission. In addition, licensees must file with the commission, at annual renewal, their telephone numbers and, if applicable, their electronic mail addresses. This regulation establishes the required dates governing license renewal and it establishes the procedures for providing contact information that licensees are required to provide to the commission.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 324.281(5), KRS 324.282, KRS 324.090(1) and KRS 324.330(4) authorize the commission to promulgate this regulation, which establishes annual requirements and procedures for the annual license renewal process and for processing licensee change requests.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist in the effective administration of the statutes by providing clearly-stated deadlines and procedures for the annual license renewal process and for processing licensee change requests.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change the existing administrative regulation: A brief narrative summary is not required because this is a new regulation, not an amendment to an existing administrative regulation.

(b) The necessity of the amendment to the administrative regulation: A brief narrative summary is not required because this is a new regulation, not an amendment to an existing administrative

regulation.

(c) How the amendment conforms to the content of the authorizing statutes: A brief narrative summary is not required because this is a new regulation, not an amendment to an existing administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: A brief narrative summary is not required because this is a new regulation, not an amendment to an existing administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by the administrative regulation: This regulation will apply to all licensees who are required to annually renew their licenses.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment, including:

(a) List the action that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment. Licensees will be required to provide their direct telephone numbers and their electronic mail addresses, if applicable. These actions are the only new actions that licensees will be required to undertake to comply with the proposed regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no costs imposed upon licensees to comply with the regulation by providing their direct telephone numbers and their electronic mail addresses, if applicable, which are the only new requirements that are imposed upon licensees in the proposed regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Licensees who comply with the regulation by providing the additional contact information to the commission can receive commission updates, announcements, and other important information in a more expeditious manner.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no costs, initially or on a continuing basis, to implement this regulation.

(b) On a continuing basis: There will be no costs, initially or on a continuing basis, to implement this regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding will be necessary.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish any fees. Nor does it directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering was not used because this regulation should not disproportionately affect any particular group of people.

erate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This regulation will not generate any revenue for Kentucky.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This regulation will not generate any revenue for Kentucky.

(c) How much will it cost to administer this program for the first year? There will be no costs to administer any program.

(d) How much will it cost to administer this program for subsequent years? There will be no costs to administer any program.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): \$0

Expenditures (+/-): \$0

Other Explanation:

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Real Estate Commission is the only entity that will be affected.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 324.090(1) and KRS 324.330(4)

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation gen-

ADMINISTRATIVE REGULATIONS AS AMENDED BY PROMULGATING AGENCY  
AND REVIEWING SUBCOMMITTEE

ARRS = Administrative Regulation Review Subcommittee  
IJC = Interim Joint Committee

EDUCATION PROFESSIONAL STANDARDS BOARD  
(As Amended at ARRS, February 13, 2012)

16 KAR 5:020. Standards for admission to educator preparation.

RELATES TO: KRS 161.020, 161.028, 161.030, 161.048(7)  
STATUTORY AUTHORITY: KRS 161.028, 161.030  
NECESSITY, FUNCTION, AND CONFORMITY: KRS 161.028(1)(b) requires the Educational Professional Standards Board to promulgate administrative regulations setting standards for approval of an educator preparation institution that offers a preparation program corresponding to a particular certificate. KRS 161.030(1) requires the board to promulgate administrative regulations establishing requirements for issuance of a certificate authorized under KRS 161.010 to 161.126. [that an educator preparation institution be approved for offering the preparation program corresponding to a particular certificate on the basis of standards and procedures established by the Education Professional Standards Board. KRS 161.028(c) requires the Education Professional Standards Board to conduct an annual review of diversity in teacher preparation programs. KRS 161.030 requires that a certificate shall be issued to a person who has completed a program approved by the Education Professional Standards Board.] This administrative regulation establishes the standards for admission to an educator preparation program.

Section 1. Selection and Admission to Educator Preparation Programs. (1) In addition to appropriate National Council for Accreditation of Teacher Education standards incorporated by reference in [under] 16 KAR 5:010, each educator preparation institution shall develop minimum standards for admission to its initial certification educator preparation programs, including university-based alternative programs established pursuant to KRS 161.048(7) in accordance with this section.

(2) Beginning September 1, 2012, admission to an undergraduate initial certification educator preparation program shall require the following:

(a) 1. A cumulative grade point average of 2.75 on a 4.0 scale; or  
2. A grade point average of 3.00 on a 4.0 scale on the last thirty (30) hours of credit completed; and

(b) Successful completion of the following pre-professional skills assessments of basic knowledge administered by the Educational Testing Service with the corresponding minimum score:

1. a. "Pre-Professional Skills Test: Mathematics" (0730) -174; or  
b. "Computerized Pre-Professional Skills Test: Mathematics" (5730) - 174;  
2. a. "Pre-Professional Skills Test: Reading" (0710) – 176; or  
b. "Computerized Pre-Professional Skills Test: Reading" (5710) – 176; and  
3. a. "Pre-Professional Skills Test: Writing" (0720) – 174; or  
b. "Computerized Pre-Professional Skills Test: Writing" (5720) – 174.

(3) Beginning September 1, 2012, admission to a graduate level initial certification educator preparation program, including an educator preparation program established pursuant to KRS 161.048(7), shall require the following:

(a) 1. A bachelor's degree or advanced degree awarded by a regionally accredited college or university with a cumulative grade point average of 2.75 on a 4.0 scale; or

2. A grade point average of 3.00 on a 4.0 scale on the last thirty (30) hours of credit completed, including undergraduate and graduate coursework; and

(b) 1. Successful completion of the pre-professional skills assessments in subsection (2)(b) of this section; or

2. Successful completion of the Graduate Record Exam (GRE) administered by the Education Testing Service with the following corresponding scores on the corresponding sections:

a. (i) [i.] Verbal Reasoning taken prior to August 1, 2011 - 450; or

(ii) [ii.] Verbal Reasoning taken after August 1, 2011 – 150; [and]

b. (i) [i.] Quantitative Reasoning taken prior to August 1, 2011 – 490; [.] or

(ii) [ii.] Quantitative Reasoning taken after August 1, 2011 - 143; and

c. Analytical Writing - 4.0.

(4) Beginning September 1, 2012, each accredited educator preparation institution shall have a formal application procedure for admission to an initial teacher preparation program, which shall include the following:

(a) Documentation that the applicant demonstrates the following:

1. Critical thinking;  
2. Communication;  
3. Creativity; and  
4. Collaboration;  
(b) Evidence that the applicant has reviewed:  
1. The Professional Code of Ethics for Kentucky School Certified Personnel established in 16 KAR 1:020; and

2. The character and fitness questionnaire contained in Section III of the TC-1 incorporated by reference in 16 KAR 2:010; and

(c) A method to allow the applicant to demonstrate that the applicant understands professional dispositions expected of professional educators.

(5) Undergraduate students shall not enroll in any educator preparation program courses restricted to admitted candidates.

(6) The educator preparation program shall maintain electronic records that document that all students admitted after September 1, 2012, meet the requirements subsection (2) of this section. [and publish a plan of selection and admission of candidates for the educator preparation program, which shall include:

(a) Tests to measure general academic proficiency;  
(b) An evaluation of the candidate's disposition for the education profession; and  
(c) Affirmation that candidates are provided a review of the Professional Code of Ethics for Kentucky School Certified Personnel established in 16 KAR 1:020, to ascertain awareness, knowledge, and commitment as required for state educator certification.

(2) The educator preparation institution shall file the plan with the Education Professional Standards Board.

Section 2. Tests to Measure General Academic Proficiency. (1) The educator preparation institution shall determine whether each candidate exhibits an acceptable level of competency in oral and written communication as an admission requirement.

(2) A candidate who plans to apply for admission to an educator preparation program shall provide to the teacher education institution official scores of tests to measure general academic proficiency. A person shall not be permitted to apply for admission to a preparation program leading to certification as an educator without first providing evidence of meeting the general academic proficiency requirement.

(3) The educator preparation institution shall select the means of evidence for meeting the general academic proficiency requirement, which may include a combination of:

(a) College admission exams;  
(b) Praxis I exams administered by the Educational Testing Service;  
(c) Other assessments; or  
(d) Grade point average.

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Section 3. (1) An educator preparation unit identified as "low performing" or "at risk of low performing" pursuant to 16 KAR 5:010 shall implement one (1) or more of the following assessment plans for candidate admission:

(a) Plan I. A minimum composite score of 21 on the American College Test (ACT);

(b) Plan II. PreProfessional Skills Test (PPST) results, with the following minimum scores:

1. Reading 173;
2. Mathematics 173; and
3. Writing 172;

(c) Plan III. Graduate Record Examination (GRE) General Tests. Each educator preparation institution shall establish a minimum passing score on the GRE as a measurement of verbal reasoning, quantitative reasoning, and analytical writing skills for admission when the entry into the educator preparation program is at the graduate level; or

(d) Plan IV. SAT with, a minimum composite score of 1470.

(2)(a) An educator preparation unit identified as "low performing" or "at risk of low performing" pursuant to 16 KAR 5:010 shall require a candidate to obtain a cumulative grade point average of 2.50 on a 4.0 scale for admission to an educator preparation program.

(b) A candidate who does not meet the grade point average established in paragraph (a) of this subsection shall possess a grade point average of 3.0 on a 4.0 scale on the last sixty (60) hours of credit completed, including undergraduate and graduate coursework, for admission to an educator preparation program.]

Section 2[4]. Annual Report. (1) Each educator preparation unit shall submit an electronic report annually to the Education Professional Standards Board[.] that includes the following program data on each candidate[candidates] admitted to educator preparation programs:

(a) The candidate's Education Professional Standards Board Person Identifier;

(b) The candidate's Student School Identification number;

(c) The candidate's Social Security number;

(d) The candidate's full name;

(e) The candidate's birth date;

(f) The candidate's reported ethnicity;

(g) The candidate's reported gender;

(h) The candidate's email address;

(i) The candidate's present home mailing address;

(j) The candidate's permanent home mailing address;

(k) The candidate's phone number;

(l) The candidate's admission date;

(m) The candidate's total number of credit hours prior to admission to the institution's educator preparation program;

(n) The candidate's total number of credit hours in educator preparation courses completed prior to admission to the institution's educator preparation program;

(o) The candidate's grade point average at admission;

(p) The candidate's current program enrollment status;

(q) The candidate's program completion date;

(r) The candidate's grade point average at program completion;

(s) The candidate's academic major at program completion; and

(t) The candidate's academic minor or minors at program completion, if applicable.

(2) The report shall be submitted in the following manner:

(a) The institution shall electronically submit all data identified in subsection (1) to the Education Professional Standards Board; and

(b) By September 15 of each year, each institution shall provide written confirmation by electronic mail to the Director of the Division of Educator Preparation that all required information has been entered.

(3) The preparation program shall exit any candidate who has not been enrolled in at least one (1) course required for program completion within the last eighteen (18) months.

(4) Failure to submit the annual report in accordance with this section may result in action against the program's accreditation

status pursuant to 16 KAR 5:010, Section 21.[(1) The candidate's Education Professional Standards Board Person Identifier;

(2) The candidate's Student School Identification number;

(3) The candidate's Social Security number;

(4) The candidate's full name;

(5) The candidate's birth date;

(6) The candidate's Email Address;

(7) The candidate's present home mailing address;

(8) The candidate's permanent home mailing address;

(9) The candidate's phone number;

(10) The candidate's admission date;

(11) the candidate's grade point average; and

(12) The candidate's total hours prior to admission to the institution's educator preparation program.]]

LORRAINE WILLIAMS, Chairperson

APPROVED BY AGENCY: September 19, 2011

FILED WITH LRC: November 7, 2011 at 2 p.m.

CONTACT PERSON: Alicia A. Sneed, Director of Legal Services, Education Professional Standards Board, 100 Airport Road, Third Floor, Frankfort, Kentucky 40601, phone (502) 564-4606, fax (502) 564-7080.

### FINANCE AND ADMINISTRATION CABINET Department of Revenue Office of Income Taxation (As Amended at ARRS, February 13, 2012)

#### 103 KAR 3:040. Income Tax Forms Manual.

RELATES TO: KRS 131.041, 131.051, 131.061, 131.071, 131.081, 131.110, 131.130, 131.155, 131.170, 131.180, 131.190, 131.250, 131.340, 131.500, 131.510(1), (2)(a), 131.540, 141.010, 141.0101, 141.011, 141.016, 141.020, 141.0202, 141.030, 141.040, 141.0401, 141.0405, 141.041, 141.042, 141.044, 141.062, 141.065, 141.066, 141.067, 141.068, 141.069, 141.070, 141.071, 141.120, 141.121, 141.160, 141.170, 141.180, 141.200, 141.205, 141.206, 141.207, 141.208, 141.300, 141.310, 141.325, 141.330, 141.335, 141.347, 141.370, 141.381, 141.382, 141.383, 141.384, 141.385, 141.386, 141.390, 141.395, 141.400, 141.401, 141.402, 141.403, 141.405, 141.407, 141.412, 141.415, 141.418, 141.420, 141.421, 141.423, 141.424, 141.4242, 141.4244, 141.428, 141.430, 141.434, 141.436, 141.437, 141.438, 141.985, 141.990, 151B.127, 154.12-2086, 154.20-050, 154.22-060, 154.23-035, 154.24-110, 154.25-030, 154.26-090, 154.28-090, 154.32-010, 154.34-080, 154.45-090, 154.48-025, 155.170

STATUTORY AUTHORITY: KRS 131.130(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 131.130(3) authorizes the Department of Revenue to prescribe forms necessary for the administration of any revenue law by the promulgation of an administrative regulation incorporating the forms by reference. This administrative regulation incorporates by reference the required Revenue Forms used in the administration of income taxes by the Department of Revenue.

Section 1. Corporation Income Taxes. (1) Revenue Form 41A720, "Form 720, 2011[2010] Kentucky Corporation Income Tax and LLET Return", shall be used by a C corporation to determine its corporation income tax due in accordance with KRS 141.040 and its limited liability entity tax due in accordance with KRS 141.0401 for tax years beginning in 2011[2010].

(2) Revenue Form 41A720A, "Schedule A, Apportionment and Allocation (For corporations and pass-through entities taxable both within and without Kentucky)", shall be used by a corporation or a pass-through entity taxable both within and without Kentucky to apportion and allocate its net income to Kentucky in accordance with KRS 141.120 or 141.206.

(3) Revenue Form 41A720A-C, "Schedule A-C, Apportionment and Allocation - Continuation Sheet[~~(For a corporation or pass-through entity taxable both within and without Kentucky that is also a partner or member of a limited liability pass-through entity or general partnership)~~]", shall be used by a corporation or a pass-through entity taxable both within and without Kentucky that is also

a partner or member of a pass-through entity to determine the sales, property and payroll amounts to be entered on Revenue Form 41A720A.

(4) Revenue Form 41A720A-N, "Schedule A-N, Apportionment Factor Schedule", shall be used by a corporation filing a mandatory nexus consolidated return to show the Kentucky and total sales, property, and payroll of the corporation and each subsidiary included in the apportionment factor.

(5) Revenue Form 41A720BIO, "Schedule BIO, Application and Credit Certificate of Income Tax/LLET Credit Biodiesel", shall be used by a taxpayer who is a biodiesel producer, biodiesel blender, or renewable diesel producer to report the biodiesel gallons produced or used by the blender and request approval from the Kentucky Department of Revenue of the tax credit amount allowed by KRS 141.423.

(6)(5) Revenue Form 41A720CC, "Schedule CC, Coal Conversion Tax Credit", shall be used by a corporation to compute the tax credit allowed by KRS 141.041 for coal used or substituted for other fuels in an eligible heating facility as described by KRS 141.041(1).

(7)(6) Revenue Form 41A720-CCI, "Schedule CCI, Application and Credit Certificate of Clean Coal Incentive Tax Credit", shall be used by a taxpayer to request approval from the Department of Revenue of the tax credit amount allowed by KRS 141.428 for the purchase of Kentucky coal used by the taxpayer to generate electricity.

(8)(7) Revenue Form 41A720CELL, "Schedule CELL, Application and Credit Certificate of Income Tax/LLET Credit Cellulosic Ethanol", shall be used by a taxpayer who is a producer of cellulosic ethanol to report the number of cellulosic ethanol gallons and request approval from the Department of Revenue of the tax credit amount allowed by KRS 141.4244.

(9)(8) Revenue Form 41A720-CI, "Schedule CI, Application for Coal Incentive Tax Credit", shall be used by a taxpayer to request approval for the amount of tax credit allowed by KRS 141.0405 for the purchase of Kentucky coal used by the taxpayer to generate electricity.

(10)(9) Revenue Form 41A720CR, "Schedule CR, Pro Forma Federal Consolidated Return Schedule", shall be used by a C corporation filing a consolidated return to show its federal pro forma consolidated return.

(11)(10) Revenue Form 41A720CR-C, "Schedule CR-C, Pro Forma Federal Consolidated Return Schedule Continuation Sheet", shall be used by a C corporation filing a consolidated return as a continuation of Revenue Form 41A720CR.

(12)(11) Revenue Form 41A720ES, "Form 720-ES Kentucky, 2012 [2014] Corporation Income/Limited Liability Entity Tax Estimated Tax Voucher", shall be used by a corporation or a limited liability pass-through entity to submit payments of estimated corporation income or limited liability entity tax as required by KRS 141.044.

(13)(12) Revenue Form 41A720ETH, "Schedule ETH, Application and Credit Certificate of Income Tax/LLET Credit Ethanol", shall be used by a taxpayer who is a producer of ethanol to report ethanol gallons produced and request approval from the Kentucky Department of Revenue of the tax credit amount allowed by KRS 141.4242.

(14)(13) Revenue Form 41A720EZC, "Schedule EZC, Enterprise Zone Tax Credit", shall be used by a qualified taxpayer to determine the tax credit allowed by KRS 154.45-090.

(15)(14) Revenue Form 41A720HH, "Schedule HH, Kentucky Housing for Homeless Families Deduction", shall be used by an individual, corporation, fiduciary, or pass-through entity to determine the deduction allowed by KRS 141.0202.

(16)(15) Revenue Form 41A720(I), "Instructions, 2011[2040] Kentucky Corporation Income Tax and LLET Return", shall be used by a corporation to file its 2011[2040] Kentucky Corporation Income Tax and LLET Return and related schedules.

(17)(16) Revenue Form 41A720KCR, "Schedule KCR, Kentucky Consolidated Return Schedule", shall be used by a C corporation filing a nexus consolidated return showing the income or loss of each entity included in the nexus consolidated tax return.

(18)(17) Revenue Form 41A720KCR-C, "Schedule KCR-C, Kentucky Consolidated Return Schedule - Continuation Sheet",

shall be used by a C corporation filing a nexus consolidated return as a continuation of Revenue Form 41A720KCR.

(19) Revenue Form 41A720KESA, "Schedule KESA, Tax Credit Computation Schedule (For a KESA Project of a Corporation)", shall be used by a corporation which has entered into an agreement for a Kentucky Environmental Stewardship Act (KESA) project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.430.

(20) Revenue Form 41A720KESA-SP, "Schedule KESA-SP, Tax Credit Computation Schedule (For a KESA Project of a Pass-Through Entity)", shall be used by a pass-through entity which has entered into an agreement for a Kentucky Environmental Stewardship Act (KESA) project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.430.

(21) Revenue Form 41A720KESA-T, "Schedule KESA-T, Tracking Schedule for a KESA Project", shall be used by a company which has entered into an agreement for a Kentucky Environmental Stewardship Act (KESA) project to maintain a record of the approved costs and tax credits for the duration of the agreement.

(22)(18) Revenue Form 41A720LLET, "Schedule LLET, Limited Liability Entity Tax", shall be used by a corporation or a limited liability pass-through entity to determine the limited liability entity tax in accordance with KRS 141.0401.

(23)(19) Revenue Form 41A720LLET-C, "Schedule LLET-C, Limited Liability Entity Tax - Continuation Sheet (For a corporation or limited liability pass-through entity subject to the limited liability entity tax that is also a partner or member of a limited liability pass-through entity or general partnership organized or formed as a general partnership after January 1, 2006)", shall be used by a corporation or a limited liability pass-through entity that is a partner in a general partnership organized or formed as a general partnership after January 1, 2006, or a corporation or limited liability pass-through entity that is a member or partner partner or member in a [another] limited liability pass-through entity to determine its Kentucky gross receipts and Kentucky gross profits and its total gross receipts and total gross profits from all sources to be entered on Revenue Form 41A720LLET.

(24)(20) Revenue Form 41A720LLET(K), "Schedule LLET(K), Limited Liability Entity Tax (For a Limited Liability Pass-through Entity with Economic Development Project(s))", shall be used by limited liability pass-through entities with economic development projects to determine the limited liability entity tax.

(25)(21) Revenue Form 41A720LLET(K)-C, "Schedule LLET(K)-C, Limited Liability Entity Tax - Continuation Sheet (For a limited liability pass-through entity with economic development project(s) subject to the limited liability entity tax that is a partner or member of a limited liability pass-through entity or a general partnership organized or formed as a general partnership after January 1, 2006)", shall be used by a limited liability pass-through entity with an economic development project that is a partner or member of a limited liability pass-through entity or a general partnership organized or formed as a general partnership after January 1, 2006, to determine its Kentucky gross receipts and Kentucky gross profits and its total gross receipts and total gross profits from all sources to be entered on Revenue Form 41A720LLET(K).

(26)(22) Revenue Form 41A720NOL, "Schedule NOL, Net Operating Loss Schedule", shall be used by a C corporation with a current year net operating loss or net operating loss carry-forward.

(27)(23) Revenue Form 41A720NOL-CF, "Schedule NOL-CF, Kentucky NOL Carry forward Schedule", shall be used by a corporation filing a nexus consolidated income tax return as provided by KRS 141.200, in addition to Revenue Form 41A720NOL, to show the Kentucky net operating loss (KNOL) carry forward balance for each new member of the affiliated group.

(28)(24) Revenue Form 41A720-O, "Schedule O-720, Other Additions and Subtractions To/From Federal Taxable Income", shall be used by a corporation filing Kentucky Form 720 to show other additions to and subtractions from federal taxable income on Revenue Form 41A720, Part III, Lines 9 and 16, respectively.

(29)(25) Revenue Form 41A720QR, "Schedule QR, Qualified Research Facility Tax Credit", shall be used by a corporation, individual, or pass-through entity to determine the credit against the

income tax liability or LLET liability allowed by KRS 141.395.

(30)[(26)] Revenue Form 41A720RC, "Schedule RC, Application for Income Tax/LLET Credit for Recycling and/or Composting Equipment or Major Recycling Project", shall be used by a taxpayer to request approval for the amount of credit allowed by KRS 141.390 for the purchase and installation of recycling or composting equipment or a major recycling project. This form shall also be used by an individual, corporation, fiduciary, or pass-through entity to substantiate and keep a record of the amount of approved credit claimed on their tax return.

(31)[(27)] Revenue Form 41A720RC-C, "Schedule RC-C, Schedule RC - Part I Continuation", shall be used by an individual, corporation, fiduciary, or pass-through entity, in addition to Revenue Form 41A720RC, to list additional equipment for which approval of the credit allowed by KRS 141.390 is being requested.

(32)[(28)] Revenue Form 41A720RC(I), "Instructions for Schedule RC", shall be used by taxpayers filing Revenue Form 41A720RC and Revenue Form 41A720RC-C requesting approval of a tax credit for recycling equipment, composting equipment, or a major recycling project.

(33)[(29)] Revenue Form 41A720RC-R, "Schedule RC-R, Recycling or Composting Equipment Tax Credit Recapture", shall be used by a taxpayer disposing of recycling or composting equipment before the end of the recapture period to compute the tax credit recaptured to be reported on the applicable tax return.

(34)[(30)] Revenue Form 41A720RR-E, "Schedule RR-E, Application and Credit Certificate of Income Tax/LLET Credit Railroad Expansion", shall be used by a corporation or pass-through entity requesting approval of a railroad expansion tax credit allowed by KRS 141.386.

(35)[(31)] Revenue Form 41A720RR-I, "Schedule RR-I, Railroad Maintenance and Improvement Tax Credit", shall be used by a corporation, individual, or pass-through entity to determine the credit against the income tax liability or LLET liability allowed by KRS 141.385.

(36)[(32)] Revenue Form 41A720S, "Form 720S, 2011[2010] Kentucky S Corporation Income Tax and LLET Return", shall be used by an S corporation to determine the amount of tax due in accordance with KRS 141.040 and 141.0401 and to report the shareholders' share of income, loss, credits, deductions, etc. for tax years beginning in 2011 [2010].

(37)[(33)] Revenue Form 41A720S(I), "Instructions, 2011[2010] Kentucky S Corporation Income Tax and LLET Return", shall be used by an S corporation to file its 2011 [2010] Kentucky S Corporation Income Tax and LLET Return and related schedules.

(38)[(34)] Revenue Form 41A720S(K), "Form 720S(K), Kentucky Schedule K for S Corporations With Economic Development Project(s)", shall be used for tax years beginning in 2011 by S Corporations with economic development projects to determine the shareholders' shares of income, credit, deductions, etc., excluding the economic development projects.

(39)[(35)] Revenue Form 41A720S(K-1), "Schedule K-1 (Form 720S), 2011 [2010] Shareholder's Share of Income, Credits, Deductions, Etc.", shall be used by an S corporation to report to each of its shareholders the amount of income, credit, deduction, etc., that the shareholder shall report for Kentucky income tax purposes.

(40)[(36)] Revenue Form 41A720S-O, "Schedule O-PTE, Other Additions and Subtractions To/From Federal Ordinary Income", shall be used by a pass-through entity filing Revenue Form 41A720S, Form 41A765, or Form 42A765-GP to show other additions to and subtractions from federal ordinary income on Revenue Form 41A720S, 41A765, or 42A765-GP Part I, Lines 5 and 9, respectively.

(41)[(37)] Revenue Form 41A720SL, "Application for Six-Month Extension of Time to File Kentucky Corporation or Limited Liability Pass-Through Entity Return", shall be used by a corporation or a limited liability pass-through entity to request a six (6) month extension of time to file a tax return or an LLET return or to submit payment of unpaid tax.

(42)[(38)] Revenue Form 41A720TCS, "Schedule TCS, Tax Credit Summary Schedule", shall be used by a corporation or a limited liability pass-through entity to summarize tax credits claimed and shall be attached to the tax return.

(43)[(39)] Revenue Form 41A720VERB, "Schedule VERB,

Voluntary Environmental Remediation Tax Credit", shall be used by an entity claiming a tax credit provided by KRS 141.418.

(44)[(40)] Revenue Form 41A720-S1, "Form 720X, Amended Kentucky Corporation Income Tax and Corporation License Tax Return", shall be used by a C corporation to amend its Kentucky Corporation Income and License Tax Return for tax periods beginning prior to January 1, 2005, as previously filed.

(45)[(41)] Revenue Form 41A720-S2, "Form 720-AMENDED, Amended Kentucky Corporation Income Tax Return", shall be used by a C corporation to amend its Kentucky Corporation Income Tax Return for periods beginning on or after January 1, 2005 and before January 1, 2007, as previously filed.

(46)[(42)] Revenue Form 41A720-S3, "Form 720-AMENDED (2007-2008), Amended Kentucky Corporation Income Tax and LLET Return", shall be used by a C corporation to amend its Kentucky Corporation Income Tax and LLET Return for periods beginning on or after January 1, 2007 and before January 1, 2009, as previously filed.

(47)[(43)] Revenue Form 41A720-S4, "Form 851-K, Kentucky Affiliations and Payment Schedule", shall be used by a corporation filing a consolidated Kentucky income tax return on Revenue Form 41A720 to identify the members of the affiliated group which are subject to the Kentucky corporation tax and to list the amount of tax paid.

(48)[(44)] Revenue Form 41A720-S6, "Form 2220-K, Underpayment and Late Payment of Estimated Income Tax and LLET", shall be used by a corporation or limited liability pass-through entity required by KRS 141.042 and 141.044 to file a declaration of estimated tax, to compute the underpayment penalty as provided by KRS 131.180(3) and 141.990, and to compute the interest on any late payment or underpayment of an estimated tax installment as provided by KRS 131.183(2).

(49)[(45)] Revenue Form 41A720-S7, "Form 5695-K, Kentucky Energy Efficiency Products Tax Credit", shall be used by a taxpayer to claim a tax credit for installation of energy efficiency products for residential and commercial property as provided by KRS 141.436.

(50)[(46)] Revenue Form 41A720-S9, "Form 8903-K, Kentucky Domestic Production Activities Deduction", shall be used by a corporation to determine the Domestic Production Activities Deduction amount for Kentucky corporation income tax purposes and shall be attached to the corporation income tax return.

(51)[(47)] Revenue Form 41A720-S11, "Form 8908-K, Kentucky ENERGY STAR (Homes and Manufactured Homes) Tax Credit", shall be used by a taxpayer to claim a tax credit for the construction of an ENERGY STAR home or the sale of an ENERGY STAR manufactured home as provided by KRS 141.437.

(52)[(48)] Revenue Form 41A720-S16, "Schedule KREDA, Tax Credit Computation Schedule (For a KREDA Project of a Corporation)", shall be used by a corporation which has a Kentucky Rural Economic Development Act (KREDA) project to determine the credit allowed against its Kentucky corporation income tax liability and limited liability entity tax liability in accordance with KRS 141.347.

(53)[(49)] Revenue Form 41A720-S17, "Schedule KREDA-T, Tracking Schedule for a KREDA Project", shall be used by a company which has a Kentucky Rural Economic Development Act (KREDA) project to maintain a record of the debt service payments, wage assessment fees and tax credits for the duration of the project.

(54)[(50)] Revenue Form 41A720-S18, "Schedule KREDA-SP, Tax Computation Schedule (For a KREDA Project of a Pass-Through Entity)", shall be used by a pass-through entity which has a Kentucky Rural Economic Development Act (KREDA) project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.347.

(55)[(51)] Revenue Form 41A720-S20, "Schedule KIDA, Tax Credit Computation Schedule (For a KIDA Project of a Corporation)", shall be used by a corporation which has a Kentucky Industrial Development Act (KIDA) project to determine the credit allowed against its Kentucky corporation income tax liability and limited liability entity tax liability in accordance with KRS 141.400.

(56)[(52)] Revenue Form 41A720-S21, "Schedule KIDA-T,

Tracking Schedule for a KIDA Project", shall be used by a company which has a Kentucky Industrial Development Act (KIDA) project to maintain a record of the debt service payments and tax credits for the duration of the project.

~~(57)~~~~(63)~~ Revenue Form 41A720-S22, "Schedule KIDA-SP, Tax Computation Schedule (For a KIDA Project of a Pass-Through Entity)", shall be used by a pass-through entity which has a Kentucky Industrial Development Act (KIDA) project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.400.

~~(58)~~~~(64)~~ Revenue Form 41A720-S24, "Schedule KIRA, Tax Credit Computation Schedule (For a KIRA Project of a Corporation)", shall be used by a corporation which has a Kentucky Industrial Revitalization Act (KIRA) project to determine the credit allowed against its Kentucky corporation income tax liability and limited liability entity tax liability in accordance with KRS 141.403.

~~(59)~~~~(65)~~ Revenue Form 41A720-S25, "Schedule KIRA-T, Tracking Schedule for a KIRA Project", shall be used by a company which has a Kentucky Industrial Revitalization Act (KIRA) project to maintain a record of the approved costs, wage assessment fees and tax credits for the duration of the project.

~~(60)~~~~(66)~~ Revenue Form 41A720-S26, "Schedule KIRA-SP, Tax Computation Schedule (For a KIRA Project of a Pass-Through Entity)", shall be used by a pass-through entity which has a Kentucky Industrial Revitalization Act (KIRA) project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.403.

~~(61)~~~~(67)~~ Revenue Form 41A720-S27, "Schedule KJDA, Tax Credit Computation Schedule (For a KJDA Project of a Corporation)", shall be used by a corporation which has a Kentucky Jobs Development Act (KJDA) project to determine the credit allowed against its Kentucky corporation income tax liability and limited liability entity tax liability in accordance with KRS 141.407.

~~(62)~~~~(68)~~ Revenue Form 41A720-S28, "Schedule KJDA-T, Tracking Schedule for a KJDA Project", shall be used by a company which has a Kentucky Jobs Development Act (KJDA) project to maintain a record of the approved costs, wage assessment fees, in-lieu-of credits and tax credits for the duration of the project.

~~(63)~~~~(69)~~ Revenue Form 41A720-S29, "Schedule KJDA-SP, Tax Computation Schedule (For a KJDA Project of a Pass-Through Entity)" shall be used by a pass-through entity which has a Kentucky Jobs Development Act (KJDA) project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.407.

~~(64)~~~~(60)~~ Revenue Form 41A720-S35, "Schedule KRA, Tax Credit Computation Schedule (For a KRA Project of a Corporation)", shall be used by a corporation which has entered into a Kentucky Reinvestment Act (KRA) project to compute the allowable KRA credit allowed against its Kentucky corporation income tax liability and limited liability entity tax liability in accordance with KRS 141.415.

~~(65)~~~~(64)~~ Revenue Form 41A720-S36, "Schedule KRA-SP, Tax Computation Schedule (For a KRA Project of a Pass-Through Entity)", shall be used by a pass-through entity which has a Kentucky Reinvestment Act (KRA) project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.415.

~~(66)~~~~(62)~~ Revenue Form 41A720-S37, "Schedule KRA-T, Tracking Schedule For a KRA Project", shall be used by a company which has entered into a Kentucky Reinvestment Act (KRA) project to maintain a record of the balance of approved costs and tax credits for the duration of the agreement.

~~(67)~~~~(63)~~ Revenue Form 41A720-S40, "Schedule KEOZ, Tax Credit Computation Schedule (For a KEOZ Project of a Corporation)", shall be used by a corporation which has entered into a Kentucky Economic Opportunity Zone (KEOZ) Act project to compute the allowable KEOZ credit allowed against its Kentucky corporation income tax liability and limited liability entity tax liability in accordance with KRS 141.401.

~~(68)~~~~(64)~~ Revenue Form 41A720-S41, "Schedule KEOZ-SP, Tax Computation Schedule (For a KEOZ Project of a Pass-Through Entity)", shall be used by a pass-through entity which has entered into a Kentucky Economic Opportunity Zone (KEOZ) Act project to determine the credit allowed against its Kentucky income

tax liability and limited liability entity tax liability in accordance with KRS 141.401.

~~(69)~~~~(65)~~ Revenue Form 41A720-S42, "Schedule KEOZ-T, Tracking Schedule for a KEOZ Project", shall be used by a company which has entered into an agreement for a Kentucky Economic Opportunity Zone (KEOZ) Act project to maintain a record of the debt service payments, wage assessment fees, approved costs and tax credits for the duration of the agreement.~~[(66) Revenue Form 41A720-S43, "Schedule KESA, Tax Credit Computation Schedule (For a KESA Project of a Corporation)", shall be used by a corporation which has entered into a Kentucky Environmental Stewardship Act (KESA) project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.430.~~

~~(67) Revenue Form 41A720-S44, "Schedule KESA-T, Tracking Schedule for a KESA Project", shall be used by a company which has entered into an agreement for a Kentucky Environmental Stewardship Act (KESA) project to maintain a record of the approved costs and tax credits for the duration of the agreement.]~~

~~(70)~~~~(68)~~ Revenue Form 41A720-S45, "Schedule KJRA, Tax Credit Computation Schedule (For a KJRA Project of a Corporation)", shall be used by a company which has entered into a Kentucky Jobs Retention Act (KJRA) project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.402.

~~(71)~~~~(69)~~ Revenue Form 41A720-S46, "Schedule KJRA-T, Tracking Schedule For a KJRA Project", shall be used by a company which has entered into an agreement for a Kentucky Jobs Retention Act (KJRA) project to maintain a record of the debt service payments, wage assessment fees, approved costs, and tax credits for the duration of the agreement.

~~(72) Revenue Form 41A720-S47, "Schedule KJRA-SP, Tax Computation Schedule (For a KJRA Project of a Pass-Through Entity)," shall be used by a pass-through entity which has entered into a Kentucky Jobs Retention Act (KJRA) project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.402.~~

~~(73)~~~~(70)~~ Revenue Form 41A720-S50, "Schedule IEIA, Tax Credit Computation Schedule (For an IEIA Project of a Corporation)", shall be used by a company which has entered into an Incentives for Energy Independence Act (IEIA) project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.421.

~~(74)~~~~(71)~~ Revenue Form 41A720-S51, "Schedule IEIA-T, Tracking Schedule for an IEIA Project", shall be used by a company which has entered into an Incentives for Energy Independence Act (IEIA) project to maintain a record of the balance of approved costs, wage assessments, and tax credits for the duration of the agreement.

~~(75) Revenue Form 41A720-S52, "Schedule IEIA-SP, Tax Computation Schedule (For an[an] IEIA Project of a Pass-Through Entity)," shall be used by a pass-through entity which has entered into an Incentives for Energy Independence Act (IEIA) project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.421.~~

~~(76)~~~~(72)~~ Revenue Form 41A720-S53, "Schedule KBI, Tax Credit Computation Schedule (For a KBI Project of a Corporation)", shall be used by a corporation which has entered into a Kentucky Business Investment (KBI) project to compute the allowable KBI credit allowed against its Kentucky corporation income tax liability and limited liability entity tax liability in accordance with KRS 141.415.

~~(77)~~~~(73)~~ Revenue Form 41A720-S54, "Schedule KBI-SP, Tax Computation Schedule (For a KBI Project of a Pass-Through Entity)", shall be used by a pass-through entity which has entered into a Kentucky Business Investment (KBI) project to determine the credit allowed against its Kentucky income tax liability and limited liability entity tax liability in accordance with KRS 141.415.

~~(78)~~~~(74)~~ Revenue Form 41A720-S55, "Schedule KBI-T, Tracking Schedule for a KBI Project", shall be used by a company which has entered into an agreement for a Kentucky Business Investment (KBI) project to maintain a record of approved costs, wage assessments, and tax credits for the duration of the agree-



ment.

(79)[(75)] Revenue Form 41A720-S80, "Form 8874(K), Application for Certification of Qualified Equity Investments Eligible for Kentucky New Markets Development Program Tax Credit", shall be used by a qualified community development entity that seeks to have an equity investment or long-term debt security certified as a qualified equity investment eligible for the tax credit provided by KRS 141.434.

(80)[(76)] Revenue Form 41A720-S81, "Form 8874(K)-A, Notice of Kentucky New Markets Development Program Tax Credit and Certification", shall be used by a qualified community development entity to provide proof to the Kentucky Department of Revenue of the receipt of cash for a taxpayer's qualified equity investment.

(81)[(77)] Revenue Form 41A720-S82, "Form 8874(K)-B, Notice of Kentucky New Markets Development Program Tax Credit Recapture", shall be used by the Kentucky Department of Revenue to notify a taxpayer of a recapture of the New Markets Development Program tax credit.

(82)[(78)] Revenue Form 41A725, "Form 725, 2011[2040] Kentucky Single Member LLC Individually Owned LLET Return", shall be used by a single member individually-owned LLC to file an LLET return in accordance with KRS 141.0401 for tax years beginning in 2011 [2040].

(83)[(79)] Revenue Form 41A725CP, "Schedule CP, Form 725, 2011[2040] Kentucky Single Member LLC Individually Owned Composite Return Schedule", shall be used by a single member individual with multiple LLC entities to file LLET returns in accordance with KRS 141.0401 for tax years beginning in 2011[2040].

(84)[(80)] Revenue Form 41A725(I), "Instructions, 2011[2040] Kentucky Single Member LLC Individually Owned LLET Return", shall be used by a single member LLC individually owned to file its 2011 [2040] Kentucky LLET return and related schedules.

(85)[(81)] Revenue Form 41A750, "Form 750, Business Development Corporation Tax Return", shall be used by a corporation organized under the provisions of KRS Chapter 155 to determine its excise tax due in accordance with KRS 155.170 for tax years beginning in 2011[2040].

(86)[(82)] Revenue Form 41A765, "Form 765, 2011[2040] Kentucky Partnership Income and LLET Return", shall be used by an entity taxed as a partnership and organized as a LLC, LLP or LP to file its Kentucky income and LLET return in accordance with KRS 141.0401 and 141.206 for tax years beginning in 2011[2040].

(87)[(83)] Revenue Form 41A765(I), "Instructions, 2011[2040] Kentucky Partnership Income and LLET Return", shall be used by an entity taxed as a partnership and organized as a LLC, LLP, or LP to file its 2011[2040] Kentucky income and LLET return and related schedules.

(88)[(84)] Revenue Form 41A765(K), "Form 765(K), Kentucky Schedule K For Partnerships With Economic Development Project(s)", shall be used for tax years beginning in 2011 by partnerships with economic development projects to determine the partners' share of income, credits, deductions, etc., excluding the economic development projects.

(89)[(85)] Revenue Form 41A765(K-1), "Schedule K-1 (Form 765), 2011[2040] Partner's Share of Income, Credits, Deductions, Etc.", shall be used by an entity taxed as a partnership and organized as a LLC, LLP, or LP to report to its partners the amount of income, credit, deduction, etc., that the partners shall report for Kentucky income tax purposes.

(90)[(86)] Revenue Form 41A800, "Corporation and Pass-through Entity Nexus Questionnaire", shall be used by a corporation or pass-through entity to determine if the entity has nexus with the Commonwealth of Kentucky.

Section 2. Individual Income and Withholding Taxes. (1) Revenue Form 12A200, "Kentucky Individual Income Tax Installment Agreement Request", shall be submitted to the Department of Revenue to request an installment agreement to pay tax due.

(2) Revenue Form 40A100, "Application for Refund of Income Taxes", shall be presented to the Department of Revenue to request a refund of income taxes paid.

(3) Revenue Form 40A102, "2011[2040] Application for Extension of Time to File Individual, General Partnership and Fiduciary

Income Tax Returns for Kentucky", shall be submitted to the Department of Revenue by individuals, partnerships, and fiduciaries prior to the date prescribed by law for filing a return to request a six (6) month extension to file the return or to remit payment of tax prior to the date the return is due.

(4) Revenue Form 40A103, "Application for New Home Tax Credit", shall be submitted to the Department of Revenue by individuals to request approval for the new home tax credit.

(5) Revenue Form 40A200, "Form PTE-WH, Kentucky Nonresident Income Tax Withholding on Distributive Share Income", shall be used by a pass-through entity doing business in Kentucky to report Kentucky income tax withheld on each nonresident individual or corporate partner doing business in Kentucky only through its ownership interest in the pass-through entity.

(6) Revenue Form 40A201, "Form 740NP-WH, Kentucky Nonresident Income Tax Withholding on Distributive Share Income [Transmittal] Report and Composite Income Tax Return", shall be used by a pass-through entity doing business in Kentucky to report and pay Kentucky income tax withheld on nonresident individual and corporate partners.

(7) Revenue Form 40A201ES, "Form 740NP-WH-ES, Instructions – 2012 Pass-Through Entity Nonresident Distributive Share Withholding Report and Composite Income Tax Return Voucher", shall be used by every pass-through entity for the declaration and payment of estimated tax if required.

(8) Revenue Form 40A727, "Kentucky Income Tax Forms Requisition", shall be used by a taxpayer or tax preparer to order individual income tax forms.

(9)[(8)] Revenue Form 42A003, "Withholding Kentucky Income Tax Instructions for Employers", shall provide instructions for employers and shall contain forms used for withholding and reporting Kentucky income tax withholding.

(10)[(9)] Revenue Form 42A003(T), "2012[2044] Withholding Tax Tables Computer Formula", shall be used by an employer for computing employees' Kentucky income tax withholding each pay period.

(11)[(40)] Revenue Form 42A740, "Form 740, 2011[2040] Kentucky Individual Income Tax Return, Full-Year Residents Only", shall be completed by a resident individual to report taxable income and income tax liability for taxable years beginning in 2011[2040], and shall be due within three and one-half (3 1/2) months after the close of the taxable year.

(12)[(44)] Revenue Form 42A740-A, "Schedule A, Form 740, 2011[2040] Kentucky Itemized Deductions", shall be completed by resident individuals and attached to Form 740 to support itemized deductions claimed for 2011[2040].

(13)[(42)] Revenue Form 42A740ES, "Form 740-ES, 2012[2044] Individual Income Tax Kentucky Estimated Tax Voucher", shall be submitted to the Department of Revenue by individuals with payment of quarterly estimated tax.

(14)[(43)] Revenue Form 42A740-EZ, "Form 740-EZ, 2011[2040] Kentucky Individual Income Tax Return for Single Persons with No Dependents", shall be completed by resident individuals to report taxable income and income tax liability for taxable years beginning in 2011 [2040], and shall be due within three and one-half (3 1/2) months after the close of the taxable year.

(15)[(44)] Revenue Form 42A740(I), "2011[2040] Kentucky Individual Income Tax Instructions for Forms 740 and 740-EZ", shall be used by resident individuals to file the 2011[2040] Kentucky Individual Tax Return and related schedules.

(16)[(45)] Revenue Form 42A740-J, "Schedule J, Kentucky Farm Income Averaging", shall be completed by individuals and attached to Form 740 to compute tax liability by averaging farm income for taxable years beginning after December 31, 1997.

(17)[(46)] Revenue Form 42A740-KNOL, "Schedule KNOL, 2011[2040] Kentucky Net Operating Loss Schedule", shall be used by individuals to compute and carry forward a net operating loss to subsequent years.

(18)[(47)] Revenue Form 42A740-M, "Schedule M, 2011[2040] Kentucky Federal Adjusted Gross Income Modifications", shall be completed by individuals and attached to Form 740 in support of additions to and subtractions from federal adjusted gross income.

(19)[(48)] Revenue Form 42A740-NP, "Form 740-NP, 2011[2040] Kentucky Individual Income Tax Return, Nonresident



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or Part-Year Resident", shall be completed by part-year or full-year nonresident individuals to report taxable income and income tax liability for taxable years beginning in 2011[2010], and shall be filed within three and one-half (3 1/2) months after the close of the taxable year.

(20)[(19)] Revenue Form 42A740-NP-A, "Schedule A, Form 740-NP, 2011[2010] Kentucky Schedule A Itemized Deductions", shall be completed and attached to Form 42A740-NP by part-year or full-year nonresidents to support the itemized deductions claimed for 2011[2010].

(21)[(20)] Revenue Form 42A740-NP-ME, "Schedule ME, Form 740-NP, 2011 [2010] Moving Expense and Reimbursement", shall be completed and attached to Form 42A740-NP by part-year or full-year nonresidents to support moving expenses and reimbursement by employers for moving expenses for 2011 [2010].

(22)[(21)] Revenue Form 42A740-NP(I), "Instructions for 2011[2010] Kentucky Form 740-NP, Nonresident or Part-Year Resident Income Tax Return", shall be used by nonresident or part-year resident individuals to file the 2011[2010] Kentucky Form 740-NP and related schedules.

(23)[(22)] Revenue Form 42A740-NP-R, "Form 740-NP-R, 2011[2010] Kentucky Income Tax Return Nonresident - Reciprocal State", shall be completed by resident individuals of reciprocal states to request a refund of Kentucky withholding for 2011[2010].

(24)[(23)] Revenue Form 42A740-NP(P), "2011[2010] Kentucky Income Tax Return, Nonresident or Part-Year Resident", shall be a packet containing forms and instructions and shall be mailed to nonresident and part-year resident individuals for use in filing a Kentucky individual tax return for 2011[2010].

(25)[(24)] Revenue Form 42A740(PKT), "2011[2010] Kentucky Individual Income Tax Forms", shall be a packet containing forms and instructions and shall be mailed to resident individuals for use in filing a Kentucky individual tax return for 2011[2010].

(26)[(25)] Revenue Form 42A740-P, "Schedule P, 2011[2010] Kentucky Pension Income Exclusion", shall be completed by individuals and attached to Form 740 to compute the amount of allowable pension exclusion for 2011[2010].

(27)[(26)] Revenue Form 42A740-UTC, "Schedule UTC, [Form 740,] Unemployment Tax Credit", shall be completed by individuals and attached to Form 740 or Form 740-NP to provide the Office of Employment and Training[Department for Employment Services] Certificate Numbers in support of credit claimed for hiring an unemployed person.

(28)[(27)] Revenue Form 42A740-X, "Form 740-X, Amended Kentucky Individual Income Tax Return", shall be completed by individuals and filed with the Department of Revenue to amend a previously filed tax return for 2005 or future years.

(29)[(28)] Revenue Form 42A740-XP, "Form 740-XP, Amended Kentucky Individual Income Tax Return, 2004 and Prior Years", shall be completed by individuals and filed with the Department of Revenue to amend a previously filed tax return for 2004 or prior years.

(30)[(29)] Revenue Form 42A740-S1, "Form 2210-K, 2011[2010] Underpayment of Estimated Tax by Individuals", shall be filed by individuals to request a waiver of estimated tax penalty or to compute and self assess an estimated tax penalty for a tax year beginning in 2011[2010].

(31)[(30)] Revenue Form 42A740-S4, "2012[2011] Instructions for Filing Estimated Tax Vouchers", shall be used to compute the amount of estimated tax due for 2012[2011].

(32)[(31)] Revenue Form 42A740-S18, "Form 8582-K, 2011[2010] Kentucky Passive Activity Loss Limitations", shall be completed by an individual taxpayer and attached to the individual tax return in support of an allowable passive loss deduction and carryover of a passive activity loss.

(33)[(32)] Revenue Form 42A740-S21, "Form 4972-K, 2011[2010] Kentucky Tax on Lump-Sum Distributions", shall be completed by an individual taxpayer to compute tax liability on a lump sum distribution and attached to the taxpayer's individual income tax return.

(34)[(33)] Revenue Form 42A740-S22, "Form 8879-K[8453-K], 2011[2010] Kentucky Individual Income Tax Declaration for Electronic Filing", shall be completed, signed by the individual taxpayer or taxpayers and maintained by the preparer or taxpayer in support

of an electronically filed return.

(35)[(34)] Revenue Form 42A740-S23, "Form 740-V, 2011[2010] Kentucky Electronic Payment Voucher", shall be used by the individual taxpayer or taxpayers for the payment of additional tax due on an electronically filed return and submitted to the Department of Revenue.

(36)[(35)] Revenue Form 42A740-S24, "Form 8863-K, 2011[2010] Kentucky Education Tuition Tax Credit", shall be used by an individual taxpayer or taxpayers to claim a tuition tax credit on the taxpayer's individual Kentucky income tax return.

(37) Revenue Form 42A740-S25, "Form 8948-K, [Preparer Explanation For Not Filing Electronically]", shall be used by the preparer to indicate the reason the return is not being filed electronically.

(38)[(36)] Revenue Form 42A741, "Form 741, 2011[2010] Kentucky Fiduciary Income Tax Return", shall be used by a fiduciary of an estate or trust to report income and tax liability of an estate or trust and be filed with the Department of Revenue within three (3) months and fifteen (15) days after the close of the taxable year.

(39)[(37)] Revenue Form 42A741-D, "Schedule D, Form 741, 2011[2010] Kentucky Capital Gains and Losses", shall be completed and attached to Form 741 by a fiduciary to report income from capital gains and losses.

(40)[(38)] Revenue Form 42A741(I), "Instructions - Form 741, Kentucky Fiduciary Income Tax Return", shall be the instruction guide provided by the Department of Revenue for completing the 2011 [2010] Form 741.

(41)[(39)] Revenue Form 42A741(K-1), "Schedule K-1, Form 741, 2011[2010] Kentucky Beneficiary's Share of Income, Deductions, Credits, etc.", shall be filed by the fiduciary with Form 741 to report each beneficiary's share of income, deductions, and credits.

(42)[(40)] Revenue Form 42A765-GP, "Form 765-GP, 2011[2010] Kentucky General Partnership Income Return", shall be completed and filed with the Department of Revenue within three (3) months and fifteen (15) days after the close of the taxable year by a general partnership to report income, deductions, and credits of a general partnership for 2011[2010].

(43)[(41)] Revenue Form 42A765-GP(I), "Instructions, 2011[2010] Kentucky General Partnership Income Return", shall be provided to assist the general partnership in completing a general partnership income return.

(44)[(42)] Revenue Form 765-GP(K-1), "Schedule K-1, Form 765-GP, 2011[2010] Partner's Share of Income, Credits, Deductions, etc.", shall be filed by the general partnership with Form 765-GP to report each general partner's share of income, deductions, and credits.

(45)[(43)] Revenue Form 42A765-GP(K), "Form 765-GP(K), Kentucky Schedule K for General Partnerships with Economic Development Project(s)", shall be used by a general partnership which has one (1) or more economic development projects to determine the total general partners' share of income, credits, deductions, etc., excluding the amount of each item of income, credit, deduction, etc., attributable to the projects.

(46)[(44)] Revenue Form 42A801, "Form K-1, Kentucky Employer's Income Tax Withheld Worksheet", shall be used by employers to report wages and taxes withheld for the filing period.

(47)[(45)] Revenue Form 42A801(D), "Form K-1, Amended Employer's Return of Income Tax Withheld", shall be used by employers to correct wages and taxes reported for the filing period.

(48)[(46)] Revenue Form 42A801-E, "Form K-1E, Kentucky Employer's Income Tax Withheld Worksheet - Electronic Funds Transfer", shall be used by employers who remit taxes withheld electronically to report wages and tax withheld for the filing period.

(49)[(47)] "Form W-2, 2011[2010] Wage and Tax Statement", shall be used by an employer to report each of its employees' wages and Kentucky tax withheld for the calendar year 2011[2010].

(50)[(48)] Revenue Form 42A803, "Form K-3, Kentucky Employer's Income Tax Withheld Worksheet", shall be used by employers to report wages and tax withheld for the filing period and annually reconcile wages and taxes reported.

(51)[(49)] Revenue Form 42A803(D), "Form K-3, Amended Employer's Return of Income Tax Withheld", shall be used by em-

employers to amend wages and taxes reported for the filing period and the annual reconciled wages and taxes reported.

(52)[(50)] Revenue Form 42A803-E, "Form K-3E, Kentucky Employer's Income Tax Withheld Worksheet - Electronic Funds Transfer", shall be used by employers to report wages and tax withheld for the filing period and to annually reconcile wages and taxes reported.

(53)[(51)] Revenue Form 42A804, "Form K-4, Kentucky Department of Revenue Employee's Withholding Exemption Certificate", shall be used by an employee to inform the employer of the number of exemptions claimed in order to determine the amount of Kentucky tax to withhold from wages each pay period.

(54)[(52)] Revenue Form 42A804-A, "Form K-4A, Kentucky Department of Revenue Withholding Exemptions for Excess Itemized Deductions", shall be used by an employee to determine additional withholding exemptions.

(55)[(53)] Revenue Form 42A804-E, "Form K-4E, Special Withholding Exemption Certificate", shall be used by employees to inform employers of special tax exempt status.

(56)[(54)] Revenue Form 42A804-M, "Form K-4M, Nonresident Military Spouse Withholding Tax Exemption Certificate", shall be used by employees to inform employers of special tax exempt status as a nonresident military spouse.

(57)[(55)] Revenue Form 42A806, "Transmitter Report for Filing Kentucky **W2/K2, 1099 and W2-G** [Wage] Statements", shall be used by employers annually to submit Form W-2 Wage and Tax Statements.

(58)[(56)] Revenue Form 42A807, "Form K-4FC, Fort Campbell Exemption Certificate", shall be completed by nonresident employees working at Fort Campbell, Kentucky, to inform employers of special tax exempt status.

(59)[(57)] Revenue Form 42A808, "Authorization to Submit Employees Annual Wage and Tax Statements Via Kentucky Department of Revenue Web Site", shall be used by employers to request authorization to annually submit wage and tax statements via the Kentucky Department of Revenue Web site.

(60)[(58)] Revenue Form 42A809, "Certificate of Nonresidence", shall be used by employees to inform employers of special tax exempt status as a result of being a resident of a reciprocal state.

(61)[(59)] Revenue Form 42A810, "Nonresident's Affidavit - Kentucky Individual Income Tax", shall be used by individuals to submit a sworn statement concerning residency status.

(62)[(60)] Revenue Form 42A811, "KREDA Annual Report", shall be completed by employers to report KREDA employee wage assessment fee information to the Department of Revenue.

(63)[(61)] Revenue Form 42A812, "KIDA Annual Report", shall be completed by employers to report KIDA employee wage assessment fee information to the Department of Revenue.

(64)[(62)] Revenue Form 42A813, "KJDA Annual Report", shall be completed by employers to report KJDA employee wage assessment fee information to the Department of Revenue.

(65)[(63)] Revenue Form 42A814, "KIRA Annual Report", shall be completed by employers to report KIRA employee wage assessment fee information to the Department of Revenue.

(66)[(64)] Revenue Form 42A815, "Withholding Tax Refund Application", shall be completed by employers to request a refund of withholding tax paid.

(67)[(65)] Revenue Form 42A816, "KEOZ Annual Report", shall be completed by employers to report KEOZ employee wage assessment fee information to the Department of Revenue.

(68)[(66)] Revenue Form 42A817, "KJRA Annual Report", shall be completed by employers to report KJRA employee wage assessment fee information to the Department of Revenue.

(69)[(67)] Revenue Form 42A818, "KBI Annual Report", shall be completed by employers to report KBI employee wage assessment fee information to the Department of Revenue.

(70)[(68)] Revenue Form 42D003, "2011[2010] Kentucky Wage and Tax Statements (W-2/K-2) Order Form", shall be used by employers to order wage and tax statements.

Section 3. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) Corporation income taxes - referenced material:

1. Revenue Form 41A720, "Form 720, 2011[2010] Kentucky Corporation Income Tax and LLET Return", 2011[2010];

2. Revenue Form 41A720A, "Schedule A, Apportionment and Allocation (For corporations and pass-through entities taxable both within and without Kentucky)", October 2011[2010];

3. Revenue Form 41A720A-C, "Schedule A-C, Apportionment and Allocation - Continuation Sheet[(For a corporation or pass-through entity taxable both within and without Kentucky that is also a partner or member of a limited liability pass-through entity or general partnership)]", October 2011[2010];

4. Revenue Form 41A720A-N, "Schedule A-N, Apportionment Factor Schedule", October 2011[2010];

5. Revenue Form 41A720BIO, "Schedule BIO, Application and Credit Certificate of Income Tax/LLET Credit Biodiesel", October 2011 [2010];

6.[5.] Revenue Form 41A720CC, "Schedule CC, Coal Conversion Tax Credit", October 2011[2010];

7.[6.] Revenue Form 41A720-CCI, "Schedule CCI, Application and Credit Certificate of Clean Coal Incentive Tax Credit", October 2011[2010];

8.[7.] Revenue Form 41A720CELL, "Schedule CELL, Application and Credit Certificate of Income Tax/LLET Credit Cellulosic Ethanol", October 2011[2010];

9.[8.] Revenue Form 41A720-CI, "Schedule CI, Application for Coal Incentive Tax Credit", October 2011[2010];

10.[9.] Revenue Form 41A720CR, "Schedule CR, Pro Forma Federal Consolidated Return Schedule", October 2011[2010];

11.[10.] Revenue Form 41A720CR-C, "Schedule CR-C, Pro Forma Federal Consolidated Return Schedule Continuation Sheet", October 2011 [2010];

12.[11.] Revenue Form 41A720ES, "Form 720-ES Kentucky, 2012 [2011] Corporation Income/Limited Liability Entity Tax Estimated Tax Voucher", June 2011 [2010];

13.[12.] Revenue Form 41A720ETH, "Schedule ETH, Application and Credit Certificate of Income Tax/LLET Credit Ethanol", October 2011[2010];

14.[13.] Revenue Form 41A720EZZ, "Schedule EZZ, Enterprise Zone Tax Credit", October 2011[2010];

15.[14.] Revenue Form 41A720HH, "Schedule HH, Kentucky Housing for Homeless Families Deduction", October 2011[2010];

16.[15.] Revenue Form 41A720(I), "Instructions, 2011[2010] Kentucky Corporation Income Tax and LLET Return", October 2011[2010];

17.[16.] Revenue Form 41A720KCR, "Schedule KCR, Kentucky Consolidated Return Schedule", October 2011[2010];

18.[17.] Revenue Form 41A720KCR-C, "Schedule KCR-C, Kentucky Consolidated Return Schedule - Continuation Sheet", October 2011[2010];

19. Revenue Form 41A720KESA, "Schedule KESA, Tax Credit Computation Schedule (For a KESA Project of a Corporation)", October 2011;

20. Revenue Form 41A720KESA-SP, "Schedule KESA-SP, Tax Credit Computation Schedule (For a KESA Project of a Pass-Through Entity)", October 2011;

21. Revenue Form 41A720KESA-T, "Schedule KESA-T, Tracking Schedule for a KESA Project", October 2011;

22.[18.] Revenue Form 41A720LLET, "Schedule LLET, Limited Liability Entity Tax", October 2011[2010];

23.[19.] Revenue Form 41A720LLET-C, "Schedule LLET-C, Limited Liability Entity Tax - Continuation Sheet[(For a corporation or limited liability pass-through entity subject to the limited liability entity tax that is also a partner or member of a limited liability pass-through entity or general partnership organized or formed as a general partnership after January 1, 2006)]", October 2011[2010];

24.[20.] Revenue Form 41A720LLET(K), "Schedule LLET(K), Limited Liability Entity Tax (For a Limited Liability Pass-through Entity with Economic Development Project(s))", October 2011[2010];

25.[21.] Revenue Form 41A720LLET(K)-C, "Schedule LLET(K)-C, Limited Liability Entity Tax - Continuation Sheet[(For a limited liability pass-through entity with economic development project(s) subject to the limited liability entity tax that is a partner or member of a limited liability pass-through entity or a general partnership organized or formed as a general partnership after January 1, 2006)]", October 2011[2010];

- 1, 2006)]", October 2011 [2040];
- 26.[22-] Revenue Form 41A720NOL, "Schedule NOL, Net Operating Loss Schedule", October 2011[2040];
- 27.[23-] Revenue Form 41A720NOL-CF, "Schedule NOL-CF, Kentucky NOL Carry forward Schedule", October 2011[2040];
- 28.[24-] Revenue Form 41A720-O, "Schedule O-720, Other Additions and Subtractions To/From Federal Taxable Income", November 2011[2040];
- 29.[25-] Revenue Form 41A720QR, "Schedule QR, Qualified Research Facility Tax Credit", October 2011[2040];
- 30.[26-] Revenue Form 41A720RC, "Schedule RC, Application for Income Tax/LLET Credit for Recycling and/or Composting Equipment or Major Recycling Project", October 2011[2040];
- 31.[27-] Revenue Form 41A720RC-C, "Schedule RC-C, Schedule RC - Part I Continuation", October 2011[2040];
- 32.[28-] Revenue Form 41A720RC(I), "Instructions For Schedule RC", October 2011 [2040];
33. [29-] Revenue Form 41A720RC-R, "Schedule RC-R, Recycling or Composting Equipment Tax Credit Recapture", October 2011 [2040];
- 34.[30-] Revenue Form 41A720RR-E, "Schedule RR-E, Application and Credit Certificate of Income Tax/LLET Credit Railroad Expansion", October 2011[2040];
- 35.[31-] Revenue Form 41A720RR-I, "Schedule RR-I, Railroad Maintenance and Improvement Tax Credit", October 2011[2040];
- 36.[32-] Revenue Form 41A720S, "Form 720S, 2011[2040] Kentucky S Corporation Income Tax and LLET Return", 2011[2040];
- 37.[33-] Revenue Form 41A720S(I), "Instructions, 2011[2040] Kentucky S Corporation Income Tax and LLET Return", October 2011[2040];
- 38.[34-] Revenue Form 41A720S(K), "Form 720S(K), Kentucky Schedule K for S Corporations With Economic Development Project(s)", October 2011[2040];
- 39.[35-] Revenue Form 41A720S(K-1), "Schedule K-1 (Form 720S), 2011[2040] Shareholder's Share of Income, Credits, Deductions, Etc.", 2011[2040];
- 40.[36-] Revenue Form 41A720S-O, "Schedule O-PTE, Other Additions and Subtractions To/From Federal Ordinary Income", November 2011[2040];
- 41.[37-] Revenue Form 41A720SL, "Application for Six-Month Extension of Time to File Kentucky Corporation or Limited Liability Pass-Through Entity Return", June 2010;
- 42.[38-] Revenue Form 41A720TCS, "Schedule TCS, Tax Credit Summary Schedule", October 2011[2040];
- 43.[39-] Revenue Form 41A720VERB, "Schedule VERB, Voluntary Environmental Remediation Tax Credit", October 2011[2040];
- 44.[40-] Revenue Form 41A720-S1, "Form 720X, Amended Kentucky Corporation Income Tax and Corporation License Tax Return", October 2011[2040];
- 45.[41-] Revenue Form 41A720-S2, "Form 720-AMENDED, Amended Kentucky Corporation Income Tax Return", October 2011[2040];
- 46.[42-] Revenue Form 41A720-S3, "Form 720-AMENDED (2007-2008), Amended Kentucky Corporation Income Tax and LLET Return", October 2011 [2040];
- 47.[43-] Revenue Form 41A720-S4, "Form 851-K, Kentucky Affiliations and Payment Schedule", October 2011[2040];
- 48.[44-] Revenue Form 41A720-S6, "Form 2220-K, Underpayment and Late Payment of Estimated Income Tax and LLET", October 2011[April 2011];
- 49.[45-] Revenue Form 41A720-S7, "Form 5695-K, Kentucky Energy Efficiency Products Tax Credit", October 2011[2040];
- 50.[46-] Revenue Form 41A720-S9, "Schedule 8903-K, Kentucky Domestic Production Activities Deduction", October 2011[2040];
- 51.[47-] Revenue Form 41A720-S11, "Form 8908-K, Kentucky ENERGY STAR (Homes and Manufactured Homes) Tax Credit", October 2011[2040];
- 52.[48-] Revenue Form 41A720-S16, "Schedule KREDA, Tax Credit Computation Schedule (For a KREDA Project of a Corporation)", October 2011[2040];
- 53.[49-] Revenue Form 41A720-S17, "Schedule KREDA-T, Tracking Schedule for a KREDA Project", October 2011 [2040];
54. [50-] Revenue Form 41A720-S18, "Schedule KREDA-SP, Tax Computation Schedule (For a KREDA Project of a Pass-Through Entity)", October 2011 [2040];
55. [64-] Revenue Form 41A720-S20, "Schedule KIDA, Tax Credit Computation Schedule (For a KIDA Project of a Corporation)", October 2011 [2040];
56. [52-] Revenue Form 41A720-S21, "Schedule KIDA-T, Tracking Schedule for a KIDA Project" October 2011[2040];
- 57.[53-] Revenue Form 41A720-S22, "Schedule KIDA-SP, Tax Computation Schedule (For a KIDA Project of a Pass-Through Entity)", October 2011[2040];
- 58.[54-] Revenue Form 41A720-S24, "Schedule KIRA, Tax Credit Computation Schedule (For a KIRA Project of a Corporation)", October 2011[2040];
- 59.[55-] Revenue Form 41A720-S25, "Schedule KIRA-T, Tracking Schedule for a KIRA Project", October 2011[2040];
- 60.[56-] Revenue Form 41A720-S26, "Schedule KIRA-SP, Tax Computation Schedule (For a KIRA Project of a Pass-Through Entity)", October 2011[2040];
61. [57-] Revenue Form 41A720-S27, "Schedule KJDA, Tax Credit Computation Schedule (For a KJDA Project of a Corporation)", October 2011 [2040];
- 62.[58-] Revenue Form 41A720-S28, "Schedule KJDA-T, Tracking Schedule for a KJDA Project", October 2011[2040];
- 63.[59-] Revenue Form 41A720-S29, "Schedule KJDA-SP, Tax Computation Schedule (For a KJDA Project of a Pass-Through Entity)", October 2011[2040];
- 64.[60-] Revenue Form 41A720-S35, "Schedule KRA, Tax Credit Computation Schedule (For a KRA Project of a Corporation)", October 2011[2040];
- 65.[61-] Revenue Form 41A720-S36, "Schedule KRA-SP, Tax Computation Schedule (For a KRA Project of a Pass-Through Entity)", October 2011[2040];
- 66.[62-] Revenue Form 41A720-S37, "Schedule KRA-T, Tracking Schedule for a KRA Project", October 2011[2040];
- 67.[63-] Revenue Form 41A720-S40, "Schedule KEOZ, Tax Credit Computation Schedule (For a KEOZ Project of a Corporation)", October 2011[2040];
- 68.[64-] Revenue Form 41A720-S41, "Schedule KEOZ-SP, Tax Computation Schedule (For a KEOZ Project of a Pass-Through Entity)", October 2011[2040];
- 69.[65-] Revenue Form 41A720-S42, "Schedule KEOZ-T, Tracking Schedule for a KEOZ Project", October 2011[2040];
- [66- Revenue Form 41A720-S43, "Schedule KESA, Tax Credit Computation Schedule (For a KESA Project of a Corporation)", October 2040];
- 67- Revenue Form 41A720-S44, "Schedule KESA-T, Tracking Schedule for a KESA Project", October 2040;]
70. [68-] Revenue Form 41A720-S45, "Schedule KJRA, Tax Credit Computation Schedule (For a KJRA Project of a Corporation [Corporations])", October 2011[2040];
71. [69-] Revenue Form 41A720-S46, "Schedule KJRA-T, Tracking Schedule for a KJRA Project", October 2011[2040];
72. Revenue Form 41A720-S47, "Schedule KJRA-SP, Tax Computation Schedule (For a KJRA Project of a Pass-Through Entity)", October 2011;
- 73.[70-] Revenue Form 41A720-S50, "Schedule IEIA, Tax Credit Computation Schedule (For an IEIA Project of a Corporation)", October 2011[2040];
- 74.[71-] Revenue Form 41A720-S51, "Schedule IEIA-T, Tracking Schedule for an IEIA Project", October 2011[2040];
75. Revenue Form 41A720-S52, "Schedule IEIA-SP, Tax Computation Schedule (For anfa] IEIA Project of a Pass-Through Entity)", December[October] 2011;
- 76.[72-] Revenue Form 41A720-S53, "Schedule KBI, Tax Credit Computation Schedule (For a KBI Project of a Corporation)", October 2011 [2040];
- 77.[73-] Revenue Form 41A720-S54, "Schedule KBI-SP, Tax Computation Schedule (For a KBI Project of a Pass-Through Entity)", October 2011 [2040];
- 78.[74-] Revenue Form 41A720-S55, "Schedule KBI-T, Tracking Schedule for a KBI Project", October 2011[2040];
- 79.[75-] Revenue Form 41A720-S80, "Form 8874(K), Applica-

tion for Certification of Qualified Equity Investments Eligible for Kentucky New Markets Development Program Tax Credit", June 2010;

80.[76-] Revenue Form 41A720-S81, "Form 8874(K)-A, Notice of Kentucky New Markets Development Program Tax Credit and Certification", June 2011[2010];

81.[77-] Revenue Form 41A720-S82, "Form 8874(K)-B, Notice of Kentucky New Markets Development Program Tax Credit Recapture", June 2011[2010];

82.[78-] Revenue Form 41A725, "Form 725, 2011 [2010] Kentucky Single Member LLC Individually Owned LLET Return", 2011[2010];

83.[79-] Revenue Form 41A725CP, "Schedule CP, Form 725, 2011[2010] Kentucky Single Member LLC Individually Owned Composite Return Schedule", 2011[2010];

84.[80-] Revenue Form 41A725(I), "Instructions, 2011[2010] Kentucky Single Member LLC Individually Owned LLET Return", October 2011 [2010];

85.[81-] Revenue Form 41A750, "Form 750, Business Development Corporation Tax Return", September 2011[2010];

86.[82-] Revenue Form 41A765, "Form 765, 2011[2010] Kentucky Partnership Income and LLET Return", 2011[2010];

87.[83-] Revenue Form 41A765(I), "Instructions, 2011[2010] Kentucky Partnership Income and LLET Return", October 2011[2010];

88.[84-] Revenue Form 41A765(K), "Form 765(K), Kentucky Schedule K For Partnerships With Economic Development Project(s)", October 2011[2010];

89.[85-] Revenue Form 41A765(K-1), "Schedule K-1 (Form 765), 2011[2010] Partner's Share of Income, Credits, Deductions, Etc.", 2011[2010]; and

90.[86-] Revenue Form 41A800, "Corporation and Pass-through Entity Nexus Questionnaire", December 2011[2009]; and

(b) Individual income and withholding taxes - referenced material:

1. Revenue Form 12A200, "Kentucky Individual Income Tax Installment Agreement Request", November 2011[2010];

2. Revenue Form 40A100, "Application for Refund of Income Taxes", October 2011[2010];

3. Revenue Form 40A102, "2011[2010] Application for Extension of Time to File Individual, General Partnership and Fiduciary Income Tax Returns for Kentucky", November 2011[2010];

4. Revenue Form 40A103, "Application for New Home Tax Credit", June 2010;

5. Revenue Form 40A200, "Form PTE-WH, Kentucky Nonresident Income Tax Withholding on Distributive Share Income", October 2011[2010];

6. Revenue Form 40A201, "Form 740NP-WH, Kentucky Nonresident Income Tax Withholding on Distributive Share Income [Transmittal] Report and Composite Income Tax Return", October 2011 [2010];

7. Revenue Form 40A201ES, "Form 740NP-WH-ES, Instructions – 2012 Pass-Through Entity Nonresident Distributive Share Withholding Report and Composite Income Tax Return Voucher", October 2011;

8. Revenue Form 40A727, "Kentucky Income Tax Forms Requisition", October 2011[2010];

9.[8-] Revenue Form 42A003, "Withholding Kentucky Income Tax Instructions for Employers", August 2011[April 2010];

10.[9-] Revenue Form 42A003(T), "2012[2011] Withholding Tax Tables Computer Formula", October 2011[2010];

11.[40-] Revenue Form 42A740, "Form 740, 2011[2010] Kentucky Individual Income Tax Return, Full-Year Residents Only", 2011[2010];

12.[41-] Revenue Form 42A740-A, "Schedule A, Form 740, 2011 [2010] Kentucky Itemized Deductions", 2011[2010];

13.[42-] Revenue Form 42A740ES, "Form 740-ES, 2012[2011] Individual Income Tax Kentucky Estimated Tax Voucher", June 2011[July 2010];

14.[43-] Revenue Form 42A740-EZ, "Form 740-EZ, 2011[2010] Kentucky Individual Income Tax Return for Single Persons with No Dependents", 2011[2010];

15.[44-] Revenue Form 42A740(I), "2011[2010] Kentucky Individual Income Tax Instructions for Forms 740 and 740-EZ", Octo-

ber 2011[2010];

16.[45-] Revenue Form 42A740-J, "Schedule J, Kentucky Farm Income Averaging", October 2011[2010];

17.[46-] Revenue Form 42A740-KNOL, "Schedule KNOL, 2011[2010] Kentucky Net Operating Loss Schedule", 2011[2010];

18.[47-] Revenue Form 42A740-M, "Schedule M, 2011[2010] Kentucky Federal Adjusted Gross Income Modifications", 2011[2010];

19.[48-] Revenue Form 42A740-NP, "Form 740-NP, 2011[2010] Kentucky Individual Income Tax Return, Nonresident or Part-Year Resident", 2011[2010];

20.[49-] Revenue Form 42A740-NP-A, "Schedule A, Form 740-NP, 2011[2010] Kentucky Schedule A Itemized Deductions", 2011[2010];

21.[20-] Revenue Form 42A740-NP-ME, "Schedule ME, Form 740-NP, 2011[2010] Moving Expense and Reimbursement", 2011[2010];

22.[21-] Revenue Form 42A740-NP(I), "Instructions for 2011[2010] Kentucky Form 740-NP, Nonresident or Part-Year Resident Income Tax Return", October 2011[2010];

23.[22-] Revenue Form 42A740-NP-R, "Form 740-NP-R, 2011[2010] Kentucky Income Tax Return Nonresident - Reciprocal State", 2011[2010];

24.[23-] Revenue Form 42A740-NP(P), "2011[2010] Kentucky Income Tax Return Nonresident or Part-Year Resident", October 2011[2010];

25.[24-] Revenue Form 42A740(PKT), "2011[2010] Kentucky Individual Income Tax Forms", October 2011[2010];

26.[25-] Revenue Form 42A740-P, "Schedule P, 2011[2010] Kentucky Pension Income Exclusion", 2011[2010];

27.[26-] Revenue Form 42A740-UTC, "Schedule UTC, [Form 740-] Unemployment Tax Credit", October 2011[2010];

28.[27-] Revenue Form 42A740-X, "Form 740-X, Amended Kentucky Individual Income Tax Return", November 2011[2010];

29.[28-] Revenue Form 42A740-XP, "Form 740-XP, Amended Kentucky Individual Income Tax Return, 2004 and Prior Years", November 2008;

30.[29-] Revenue Form 42A740-S1, "Form 2210-K, 2011[2010] Underpayment of Estimated Tax by Individuals", [October][April] 2011;

31.[30-] Revenue Form 42A740-S4, "2012[2011][2011] Instructions for Filing Estimated Tax Vouchers", October 2011[2011][2010];

32.[31-] Revenue Form 42A740-S18, "Form 8582-K, 2011[2010] Kentucky Passive Activity Loss Limitations", 2011[2010];

33.[32-] Revenue Form 42A740-S21, "Form 4972-K, 2011[2010] Kentucky Tax on Lump-Sum Distributions", 2011[2010];

34.[33-] Revenue Form 42A740-S22, "Form 8879-K[8453-K], 2011 [2010] Kentucky Individual Income Tax Declaration for Electronic Filing", 2011[2010];

35.[34-] Revenue Form 42A740-S23, "Form 740-V, 2011[2010] Kentucky Electronic Payment Voucher", 2011[2010];

36.[35-] Revenue Form 42A740-S24, "Form 8863-K, 2011[2010] Kentucky Education Tuition Tax Credit", 2011 [2010];

37. Revenue Form 42A740-S25, "Form 8948-K, [ ]Preparer Explanation For Not Filing Electronically", October 2011;

38.[36-] Revenue Form 42A741, "Form 741, 2011[2010] Kentucky Fiduciary Income Tax Return", 2011[2010];

39.[37-] Revenue Form 42A741-D, "Schedule D, Form 741, 2011[2010] Kentucky Capital Gains and Losses", 2011[2010];

40.[38-] Revenue Form 42A741(I), "Instructions - Form 741, Kentucky Fiduciary Income Tax Return", October 2011[2010];

41.[39-] Revenue Form 42A741(K-1), "Schedule K-1, Form 741, 2011 [2010] Kentucky Beneficiary's Share of Income, Deductions, Credits, etc.", 2011 [2010];

42.[40-] Revenue Form 42A765-GP, "Form 765-GP, 2011[2010] Kentucky General Partnership Income Return", 2011[2010];

43.[41-] Revenue Form 42A765-GP(I), "Instructions, 2011[2010] Kentucky General Partnership Income Return", October 2011[2010];

44.[42-] Revenue Form 765-GP(K-1), "Schedule K-1, Form

765-GP, 2011[2010] Partner's Share of Income, Credits, Deductions, etc.", 2011[2010];

45.[43-] Revenue Form 42A765-GP(K), "Form 765-GP(K), Kentucky Schedule K for General Partnerships with Economic Development Project(s)", October 2011[2010];

46.[44-] Revenue Form 42A801, "Form K-1, Kentucky Employer's Income Tax Withheld Worksheet", March 2007;

47.[45-] Revenue Form 42A801(D), "Form K-1, Amended Employer's Return of Income Tax Withheld", April 2008;

48.[46-] Revenue Form 42A801-E, "Form K-1E, Kentucky Employer's Income Tax Withheld Worksheet - Electronic Funds Transfer", March 2007;

49.[47-] "Form W-2, 2011[2010] Wage and Tax Statement", 2011[2010];

50.[48-] Revenue Form 42A803, "Form K-3, Kentucky Employer's Income Tax Withheld Worksheet", March 2007;

51.[49-] Revenue Form 42A803(D), "Form K-3, Amended Employer's Return of Income Tax Withheld", April 2008;

52.[50-] Revenue Form 42A803-E, "Form K-3E, Kentucky Employer's Income Tax Withheld Worksheet - Electronic Funds Transfer", March 2007;

53.[51-] Revenue Form 42A804, "Form K-4, Kentucky Department of Revenue Employee's Withholding Exemption Certificate", November 2010;

54.[52-] Revenue Form 42A804-A, "Form K-4A, Kentucky Department of Revenue Withholding Exemptions for Excess Itemized Deductions", April 2008;

55.[53-] Revenue Form 42A804-E, "Form K-4E, Special Withholding Exemption Certificate", March 2011;

56.[54-] Revenue Form 42A804-M, "Form K-4M, Nonresident Military Spouse Withholding Tax Exemption Certificate", November 2010;

57.[55-] Revenue Form 42A806, "Transmitter Report for Filing Kentucky W2/K2, 1099 and W2-G[Wage] Statements", October 2011[November 2010];

58.[56-] Revenue Form 42A807, "Form K-4FC, Fort Campbell Exemption Certificate", August 2006;

59.[57-] Revenue Form 42A808, "Authorization to Submit Employees Annual Wage and Tax Statements Via Kentucky Department of Revenue Web Site", March 2006;

60.[58-] Revenue Form 42A809, "Certificate of Nonresidence", March 2007;

61.[59-] Revenue Form 42A810, "Nonresident's Affidavit - Kentucky Individual Income Tax", April 1989;

62.[60-] Revenue Form 42A811, "KREDA Annual Report", December 2007;

63.[61-] Revenue Form 42A812, "KIDA Annual Report", December 2007;

64.[62-] Revenue Form 42A813, "KJDA Annual Report", December 2007;

65.[63-] Revenue Form 42A814, "KIRA Annual Report", December 2007;

66.[64-] Revenue Form 42A815, "Withholding Tax Refund Application", August 2006;

67.[65-] Revenue Form 42A816, "KEOZ Annual Report", December 2007;

68.[66-] Revenue Form 42A817, "KJRA Annual Report", October 2010;

69.[67-] Revenue Form 42A818, "KBI Annual Report", October 2010; and

70.[68-] Revenue Form 42D003, "2011[2010] Kentucky Wage and Tax Statements (W-2/K-2) Order Form", July 2011[2010].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Revenue, 501 High Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 5 p.m.

THOMAS B. MILLER, Commissioner

APPROVED BY AGENCY: December 9, 2011

FILED WITH LRC: December 9, 2011 at noon

CONTACT PERSON: DeVon Hankins, Policy Advisor, Office of General Counsel, Finance and Administration Cabinet, 392 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875.

# GENERAL GOVERNMENT CABINET

## Board of Nursing

(As Amended at ARRS, February 13, 2012)

**201 KAR 20:056. Advanced practice registered nurse licensure, program requirements, recognition of a national certifying organization.**

RELATES TO: KRS 314.011[(8)], 314.042, 314.091, 314.161, 314.470

STATUTORY AUTHORITY: KRS 314.042(7), 314.131(1), 314.470

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the Board of Nursing to promulgate administrative regulations necessary to enable it to carry into effect the provisions of KRS Chapter 314. KRS 314.042 requires the licensure of an advanced practice registered nurse **and authorizes the board to promulgate administrative regulations establishing licensing requirements.** This administrative regulation establishes the requirements for licensure, renewal, and reinstatement, programs, and recognition of a national certifying organization.

Section 1. An applicant for licensure as an advanced practice registered nurse in Kentucky shall:

(1) Complete an "Application for Licensure as an Advanced Practice Registered Nurse" as required by 201 KAR 20:370, Section 1(1);

(2) Provide a copy of a current active Registered Nurse license or validation of Registered Nurse licensure if the state of licensure does not issue licensure cards;

(3) Submit the fee required by 201 KAR 20:240, Section 1(2)(k); and

(4) Comply with the requirements established in KRS 314.042 and Sections 2 and 4 through 10 of this administrative regulation.

(5) If the applicant is applying only for a license as an advanced practice registered nurse, the applicant shall also provide:

(a) A completed Federal Bureau of Investigation (FBI) Applicant Fingerprint Card and the fee required by the FBI that is within six (6) months of the date of the application;

(b) A report from the Kentucky Administrative Office of the Courts, Courtnet Disposition System that is within six (6) months of the date of the application;

(c) A certified copy of the court record of any misdemeanor or felony conviction as required by 201 KAR 20:370, Section 1(3); and

(d) A letter of explanation that addresses each conviction, if applicable.

(6) An applicant shall not be licensed until a report is received from the FBI pursuant to the request submitted under subsection (5)(a) of this section and any conviction is addressed by the board.

Section 2. Postbasic Program of Study and Clinical Experience. (1) An organized postbasic program of study and clinical experience shall conform to the following criteria in order to be acceptable to the board. The program shall:

(a) Be an established, ongoing, and organized program offered on a routine basis to an enrollee;

(b)1. Be accredited or approved for the education of nurses by a recognized accreditation or approval body; or

2. Be sponsored by a sponsoring organization, which shall hold the accreditation or approval for the education of nurses by a recognized accreditation or approval body;

(c) Have a program design which prepares an enrollee to function in a role consistent with the advanced practice registered nursing designation;

(d) Have a program design which includes purpose, philosophy, objectives, curriculum content, and plan to evaluate achievement of objectives and measurement of learning outcomes of students;

(e) Have a designated faculty responsible for planning, development, implementation, and evaluation of curriculum and students;

(f) Include didactic components that prepare the student to perform the additional acts delineated by the board pursuant to

KRS 314.011(8) and include at least pharmacology, advanced physical assessment, advanced pathophysiology, and medical management of disease and differential diagnosis;

(g) Include a supervised clinical experience that includes application of all the didactic components; and

(h) Upon successful completion, award a diploma or certificate.

(2)(a) If the applicant for licensure as an advanced practice registered nurse completed a postbasic program of study after January 1, 2005, the applicant shall hold a master's degree, or doctorate, or postmaster's certificate awarding academic credit by a college or university related to the advanced practice registered nurse designation.

(b) If the applicant for licensure as an advanced practice registered nurse completed a postbasic program of study before January 1, 2005, the program shall be evaluated by the board on an individual basis to determine if the program sufficiently prepares a student for advanced practice registered nursing by complying with the requirements of this section.~~[is acceptable to the board by sufficiently preparing a student for advanced practice registered nursing.]~~

Section 3. National Certifying Organizations. (1) A nationally established organization or agency which certifies registered nurses for advanced practice registered nursing shall be recognized by the board if it meets the following criteria:

(a) The certifying body is an established national nursing organization or a subdivision of this type of organization;

(b) Eligibility requirements for certification are delineated;

(c) Certification is offered in specialty areas of clinical practice consistent with the population focus required by and defined by KRS 314.011;

(d) Scope and standards of practice statements are promulgated;

(e) Mechanism for determining continuing competency is established; and

(f) The certifying body is accredited by the American Board of Nursing Specialties or the National Commission for Certifying Agencies.

(2) The board recognizes the following national certifying organizations:

(a) American Nurses Credentialing Center;

~~(b) American College of Nurse-Midwives;~~ (c) American Midwifery Certification Board;

~~(c) [(d)] National Board on Certification and Recertification [Council on Certification/Recertification] of Nurse Anesthetists;~~

~~(d) [(e)] Pediatric Nursing Certification Board;~~

~~(e) [(f)] National Certification Corporation;~~

~~(f) [(g)] American Academy of Nurse Practitioners; and~~

~~(g) [(h)] American Association of Critical-Care Nurses Certification Corporation.~~

(3) The following certification examinations for nurse practitioners (NP) and clinical nurse specialists (CNS) offered by the national certifying organizations identified in subsection 2 of this section shall be deemed to meet the definition of population focus of KRS 314.011(20):

(a) Acute Care NP;

(b) Adult NP;

(c) Adult Psychiatric and Mental Health NP;

(d) Family NP;

(e) Family Psychiatric and Mental Health NP;

(f) Gerontological NP;

(g) Neonatal NP;

(h) Pediatric NP;

(i) Pediatric/Primary Care NP;

(j) Pediatric/Acute Care NP;

(k) Women's Health NP;

(l) Adult Health CNS;

(m) Adult Psychiatric and Mental Health CNS;

(n) Child and Adolescent Psychiatric and Mental Health CNS;

(o) Gerontological CNS;

(p) Pediatric CNS;

(q) Adult Acute Care CNS;

(r) Pediatric Acute Care CNS; and

(s) Neonatal Acute Care CNS.

(4) The board recognizes the Oncology Nursing Certification Corporation~~[following national certifying organizations]~~ only for those individuals who received certification prior to the effective date, ~~[of this administrative regulation and who have continually renewed their Kentucky advanced practice registered nurse license since that date: Oncology Nursing Certification Corporation.]~~

Section 4. Practice Pending Licensure. (1) A registered nurse who meets all the requirements for practice as an advanced practice registered nurse, and who holds a registered nurse temporary work permit issued pursuant to 201 KAR 20:110 pending licensure by endorsement or a privilege to practice as a registered nurse, shall be authorized to practice as an advanced practice registered nurse for a period of time not to exceed the expiration date of the temporary work permit.

(2) Authorization to practice pursuant to this section shall be in the form of a letter from the board acknowledging that the applicant has met all the requirements of this section. An applicant shall not practice until the authorization letter has been issued.

(3) An individual authorized to practice pursuant to subsection (1) of this section may use the title "APRN Applicant" or "APRN App."

Section 5. License Renewal. (1) The advanced practice registered nurse license shall expire or lapse when the registered nurse license or privilege expires or lapses.

(2) To be eligible for renewal of the license as an advanced practice registered nurse, the applicant shall:

(a) Renew the registered nurse license or privilege on an active status;

(b) Submit a completed "Annual Licensure Renewal Application: RN and APRN" or a completed "Annual APRN Licensure Renewal Application for APRN with RN Compact License (not Kentucky)" form, as applicable, and~~["APRN License Renewal Application" form]~~ as required by 201 KAR 20:370, Section 1(1);

(c) Submit the current renewal application fee, as established in 201 KAR 20:240, Section 1(2)(l); and

(d) Maintain current certification by a recognized national certifying organization.

(3) An advanced practice registered nurse who fails to renew the registered nurse license or privilege or is otherwise unable to legally practice as a registered nurse shall not practice as or use the title of advanced practice registered nurse until:

(a) A current active license has been issued by the board or a privilege is recognized by the board; and

(b) The advanced practice registered nurse license has been reinstated.

(4) An advanced practice registered nurse shall provide evidence of current certification by a recognized national certifying organization upon recertification and at the request of the board.

Section 6. License Reinstatement. (1) If a nurse fails to renew the advanced practice registered nurse license as prescribed by KRS 314.042 and this administrative regulation, the license shall lapse on the last day of the licensure period.

(2) To be eligible for reinstatement of the advanced practice registered nurse license, the applicant shall:

(a) Submit a completed "Application for Licensure as an Advanced Practice Registered Nurse" form as required by 201 KAR 20:370, Section 1(1);

(b) Submit the current reinstatement application fee, as established in 201 KAR 20:240, Section 1(2)(m); and

(c) Maintain current certification by a recognized national certifying organization.

(3) If the applicant is applying for reinstatement of a license as an advanced practice registered nurse, the applicant shall also provide a:

(a) Completed Federal Bureau of Investigation (FBI) Applicant Fingerprint Card and the fee required by the FBI that is within six (6) months of the date of the application;

(b) Report from the Kentucky Administrative Office of the Courts, Courtnet Disposition System that is within six (6) months of the date of the application;

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(c) Certified copy of the court record of any misdemeanor or felony conviction as required by 201 KAR 20:370, Section 1(3); and

(d) Letter of explanation that addresses each conviction, if applicable.

Section 7. Certification or Recertification. (1)(a) An advanced practice registered nurse shall maintain current certification or recertification from one (1) of the national organizations recognized in Section 3 of this administrative regulation throughout the licensure period.

(b) The board shall conduct an audit to verify that an advanced practice registered nurse has met the requirements of subsection (1)(a) of this section.

(2)(a) A nurse who fails to attain current, active certification or recertification from one (1) of the national organizations recognized in Section 3 of this administrative regulation shall not practice or use the title of advanced practice registered nurse (APRN) until current certification or recertification is obtained~~[the requirements of Sections 1 through 8 of this administrative regulation have been met]~~.

(b) An APRN whose certification or recertification lapses prior to the expiration of the APRN license and who does not provide evidence of current certification or recertification after a request by the board shall have the APRN license voided. This action shall not be considered to be a disciplinary action. The APRN may request a hearing on this action by submitting the request in writing. If the action is upheld or not challenged, the APRN may seek reinstatement of the license in accordance with Section 6 of this administrative regulation.

(3) An advanced practice registered nurse who is decertified by the appropriate national organization shall:

(a) Notify the board of that fact; and

(b) Not practice as or use the title of advanced practice registered nurse during the period of decertification.

Section 8. (1) An application shall be valid for a period of one (1) year from the date of submission to the board.

(2) After one (1) year from the date of application, the applicant shall be required to reapply.

Section 9. The requirements of Sections 1 through 11 of this administrative regulation shall not prohibit the supervised practice of a nurse enrolled in:

(1) A postbasic educational program for preparation for advanced practice registered nursing; or

(2) An advanced practice registered nurse refresher course.

Section 10. A registered nurse who holds himself out as a clinical specialist or is known as a clinical specialist shall be required to be licensed as an advanced practice registered nurse if his practice includes the performance of advanced practice registered nursing procedures.

Section 11. A nurse practicing as an advanced practice registered nurse who is not licensed as an advanced practice registered nurse by the board, an advanced practice registered nurse whose practice is inconsistent with the specialty to which he has been designated, or an advanced practice registered nurse who does not recertify and continues to practice as an advanced practice registered nurse shall be subject to the disciplinary procedures set in KRS 314.091.

CAROL KOMARA, President

APPROVED BY AGENCY: December 1, 2011.

FILED WITH LRC: December 9, 2011 at 2 p.m.

CONTACT PERSON: Nathan Goldman, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, phone (502) 429-3309, fax (502) 564-4251, email: nathan.goldman@ky.gov.

GENERAL GOVERNMENT CABINET  
Board Of Nursing  
(As Amended at ARRS, February 13, 2012)

**201 KAR 20:057. Scope and standards of practice of advanced practice registered nurses.**

RELATES TO: KRS 314.011(7), 314.042, 314.193(2)

STATUTORY AUTHORITY: KRS 314.131(1), 314.193(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 314.131(1) authorizes the Board of Nursing to promulgate administrative regulations necessary to enable it to carry into effect the provisions of KRS Chapter 314. KRS 314.193(2) authorizes the board to promulgate administrative regulations establishing standards for the performance of advanced practice registered nursing to safeguard the public health and welfare. This administrative regulation establishes the scope and standards of practice for an advanced practice registered nurse.

Section 1. Definitions. (1) "Collaboration" means the relationship between the advanced practice registered nurse and a physician in the provision of prescription medication, including~~[and includes]~~ both autonomous and cooperative decision-making, with the advanced practice registered nurse and the physician contributing their respective expertise.

(2) "Collaborative Agreement for the Advanced Practice Registered Nurse's Prescriptive Authority for Controlled Substances (CAPA-CS)" means the written document pursuant to KRS 314.042(9).

(3) "Collaborative Agreement for the Advanced Practice Registered Nurse's Prescriptive Authority for Nonscheduled Legend Drugs (CAPA-NS)" means the written document pursuant to KRS 314.042(8).

~~[(3) "Collaborative Agreement for the Advanced Practice Registered Nurse's Prescriptive Authority for Controlled Substances (CAPA-CS)" means the written document pursuant to KRS 314.042(9).]~~

Section 2. The practice of the advanced practice registered nurse shall be in accordance with the standards and functions defined in the following scope and standards of practice statements for each specialty area:

(1) Scope and Standards of Psychiatric-Mental Health Nursing Practice;

(2) Nursing: Scope and Standards of Practice;

(3) Scope and Standards for Nurse Anesthesia Practice;

(4) Standards for Office-based Anesthesia Practice;

(5) Standards for the Practice of Midwifery;

(6) The Women's Health Nurse Practitioner: Guidelines for Practice and Education;

(7) Pediatric Nursing: Scope and Standards of Practice;  
~~[Scope and Standards of Practice: Pediatric Nurse Practitioner;]~~

(8) Standards of Practice for Nurse Practitioners;

(9) Scope of Practice for Nurse Practitioners;

(10) Scope and Standards of Practice for the Acute Care Nurse Practitioner;  
~~[Standards of Clinical Practice and Scope of Practice for the Acute Care Nurse Practitioner;]~~

(11) Neonatal Nursing: Scope and Standards of Practice;

(12) Scope and Standards for Acute and Critical Care Clinical Nurse Specialist Practice;  
~~[and] [Scope of Practice and Standards of Professional Performance for the Acute and Critical Care Clinical Nurse Specialist; and]~~

(13) Statement on the Scope and Standards of Advanced Practice Nursing in Oncology.

Section 3. In the performance of advanced practice registered nursing, the advanced practice registered nurse shall seek consultation or referral in those situations outside the advanced practice registered nurse's scope of practice.

Section 4. Advanced practice registered nursing shall include prescribing medications and ordering treatments, devices, and diagnostic tests which are consistent with the scope and standard of practice of the advanced practice registered nurse.

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Section 5. Advanced practice registered nursing shall not preclude the practice by the advanced practice registered nurse of registered nursing practice as defined in KRS 314.011(5).

Section 6. (1) A CAPA-NS shall include the name, address, phone number, and license number of both the advanced practice registered nurse and each physician who is a party to the agreement. It shall also include the specialty area of practice of the advanced practice registered nurse. An advanced practice registered nurse shall, upon request, furnish to the board or its staff, a copy of the CAPA-NS.

(2) To notify the board of the existence of a CAPA-CS pursuant to KRS 314.042(9)(a), the APRN shall file with the board the "Notification of a Collaborative Agreement for the Advanced Practice Registered Nurse's Prescriptive Authority for Controlled Substances (CAPA-CS)".

(3) For purposes of the CAPA-CS, in determining whether the APRN and the collaborating physician are qualified in the same or a similar specialty, the board shall be guided by the facts of each particular situation and the scope of the APRN's and the physician's actual practice.

Section 7. Prescribing medications without a CAPA-NS or a CAPA-CS shall constitute a violation of KRS 314.091(1).

Section 8. The board may make an unannounced monitoring visit to an advanced practice registered nurse to determine if the advanced practice registered nurse's practice is consistent with the requirements established by 201 KAR Chapter 20.

Section 9. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Scope and Standards of Psychiatric-Mental Health Nursing Practice", 2007 Edition, American Nurses' Association;

(b) "Nursing: Scope and Standards of Practice", 2010[2004] Edition, American Nurses' Association;

(c) "Standards for Office-based Anesthesia Practice", 2010[2005] Edition, American Association of Nurse Anesthetists;

(d) "Scope and Standards for Nurse Anesthesia Practice", 2010[2007] Edition, American Association of Nurse Anesthetists;

(e) "Standards for the Practice of Midwifery", 2009[2003] Edition, American College of Nurse-midwives;

(f) "The Women's Health Nurse Practitioner: Guidelines for Practice and Education", 2008 Edition, Association of Women's Health, Obstetric and Neonatal Nurses and National Association of Nurse Practitioners in Women's Health;

(g) "Pediatric Nursing: Scope and Standards of Practice", 2008 Edition, National Association of Pediatric Nurse Practitioners;

(h) "Standards of Practice for Nurse Practitioners", 2010[2007] Edition, American Academy of Nurse Practitioners;

(i) "Scope of Practice for Nurse Practitioners", 2010[2007] Edition, American Academy of Nurse Practitioners;

(j) "Scope and Standards of Practice for the Acute Care Nurse Practitioner", 2006 Edition, American Association of Critical Care Nurses;

(k) "Neonatal Nursing: Scope and Standards of Practice", 2004 Edition, American Nurses Association/National Association of Neonatal Nurses;

(l) "Scope[~~of Practice~~] and Standards ~~for~~[~~of Professional Performance for the~~] Acute and Critical Care Clinical Nurse Specialist Practice", 2010[2002] Edition, American Association of Critical-Care Nurses;

(m) "Statement on the Scope and Standards of Advanced Practice Nursing in Oncology", 2003 Edition, Oncology Nursing Society; and

(n) "Notification of a Collaborative Agreement for the Advanced Practice Registered Nurse's Prescriptive Authority for Controlled Substances (CAPA-CS)", 6/2010, Kentucky Board of Nursing.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30p.m.

CAROL KOMARA, President

APPROVED BY AGENCY: December 1, 2011.

FILED WITH LRC: December 9, 2011 at 2 p.m.

CONTACT PERSON: Nathan Goldman, General Counsel, Kentucky Board of Nursing, 312 Whittington Parkway, Suite 300, Louisville, Kentucky 40222, phone (502) 429-3309, fax (502) 564-4251, email: nathan.goldman@ky.gov

### GENERAL GOVERNMENT CABINET Board of Physical Therapy (As Amended at ARRS, February 13, 2012)

#### 201 KAR 22:020. Eligibility and credentialing procedure.

RELATES TO: KRS 164.772, 214.615(1), 327.050, 327.060, 327.070(2)(f), 327.080

STATUTORY AUTHORITY: KRS 327.040(1), (11), (13)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 327.040(11) authorizes the Board of Physical Therapy to promulgate and enforce reasonable administrative regulations for the effectuation of the purposes of KRS Chapter 327. KRS 327.040(1) requires the board to determine if physical therapist applicants meet the qualifications and standards required by KRS Chapter 327. ~~KRS~~, ~~and~~ 327.040(13) authorizes the board to promulgate administrative regulations regarding the qualifications for physical therapist assistants. This administrative regulation establishes the criteria for eligibility, methods, and procedures of qualifying for a credential to practice physical therapy in Kentucky.

Section 1. An application shall be accepted for credentialing as a physical therapist or physical therapist assistant based on successful completion by the applicant of one (1) of the following processes:

- (1) Examination;
- (2) Endorsement; or
- (3) Reinstatement.

Section 2. Examination Candidate. (1) To be eligible for the examination, the applicant for licensure as a physical therapist shall:

(a) Have successfully completed the academic and clinical requirements of a physical therapy program accredited by CAPTE;

(b) Submit certification of completion by the educational administrator of that program;

(c) Have completed an educational course at least two (2) hours in length that has been approved by the Cabinet for Health and Family Services (CHFS) on the transmission, control, treatment, and prevention of human immunodeficiency virus infection and AIDS;

(d) Have successfully completed the Jurisprudence Exam;

(e) Submit a complete~~and notarized~~ application for credentialing that includes a photo taken within one (1) year;

(f) Submit the correct, nonrefundable fee as required in 201 KAR 22:135;

(g) If applicable, submit on an Applicant Special Accommodations Request Form, a request for a reasonable accommodation in testing due to a documented disability; and

(h) Register for the NPTE examination.

(2) To be eligible for the examination, the applicant for certification as a physical therapist assistant shall:

(a) Have successfully completed the academic and clinical requirements of a physical therapy or physical therapist assistant program accredited by CAPTE; ~~and~~

(b) Complete the requirements of Section 2(1)(b) through (h) of this administrative regulation.

(3) After three (3) failed attempts in taking the examination, an applicant shall complete a board-approved remediation plan based on identified deficits as provided on the Federation of State Boards of Physical Therapy (FSBPT) Examination Performance Feedback report prior to registering for each subsequent examination.

(4) Effective July 1, 2012, after six (6) failed attempts at either the physical therapist or physical therapist assistant examination, or combination thereof, in any jurisdiction, an applicant shall not be



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eligible to register for any additional examinations.

Section 3. An applicant for credentialing who is registered for the examination in another jurisdiction shall:

- (1) Meet the eligibility requirements of Section 2 of this administrative regulation; and
- (2) Register with the FSBPT Score Transfer Service to have results submitted to Kentucky.

Section 4. To be eligible for a temporary permit, the candidate shall:

- (1) Meet the qualifications of Section 2 or 3 of this administrative regulation; and
- (2) Complete a Supervisory Agreement with one (1) or more physical therapists.

Section 5. Upon issuance of a temporary permit:

(1) The physical therapist or physical therapist assistant applicant shall practice only under the supervision of a physical therapist who:

- (a) Has been engaged in the practice of physical therapy in Kentucky for more than one (1) year; and
- (b) Has an unrestricted license.[-]

(2) The supervising physical therapist:

(a) Shall be on-site at all times during the practice of the applicant with a temporary permit;

(b) Shall be responsible for the practice of physical therapy by the applicant with a temporary permit; [and]

(c) Shall review, approve, date and co-sign all physical therapy documentation by the applicant with a temporary permit within twenty-four (24) hours of when the service was provided;[-]

(d) May designate a temporary supervising physical therapist who meets the qualifications of Section 5(1)(a) and (b) of this administrative regulation. The temporary supervising physical therapist shall sign and date written documentation of the acceptance of the responsibility as identified in Section 5(2)(a) through[-] (c) of this administrative regulation; and[-]

(e) Shall notify the Board immediately if[~~in the event~~] the supervisory relationship is terminated.

(3) The applicant with a temporary permit shall:

(a) Disclose the applicant's[~~his or her~~] temporary credential status to all patients prior to initiating treatment;

(b) Sign documentation with temporary permit number and designation as defined in 201 KAR 22:053, Section 5(5)(a) or (b); and[-]

(c) Notify the Board immediately if[~~in the event~~] the supervisory relationship is terminated.

(4) The temporary permit shall expire the earlier of:

- (a) Six (6) months from the date of issuance; or[-, or:]
- (b) Notice of exam results by the Board.

Section 6[4]. A physical therapist applicant who meets the qualifications for physical therapy licensure by examination may become a special candidate for physical therapist assistant certification by examination.

Section 7[5]. To be eligible for credentialing by endorsement, the applicant shall:

(1) Have successfully completed the academic and clinical requirements of a physical therapy or physical therapist assistant program accredited by CAPTE;

(2) Meet the requirements established in Section 2(1)(b) through (f) of this administrative regulation;

(3) Have successfully completed the NPTE or its equivalent, predecessor examination and register with the FSBPT Score Transfer Service to have results submitted to Kentucky.[-]

(a) A passing score in Kentucky for the person who took the NPTE prior to July 1, 1993, shall be at least equal to the national average raw score minus one and five-tenths (1.5) standard deviation set equal to a converted score of seventy-five (75).or[-]

(b) After July 1, 1993, a passing score shall be the criterion referenced passing point recommended by the FSBPT set equal to a scaled score of 600;

(4) Have an active credential in this profession in another juris-

diction; and

(5) Have verification of credentials showing the credential has never been revoked, suspended, on probation, or under disciplinary review in another jurisdiction.

Section 8[6]. To be eligible for reinstatement, the applicant shall meet the requirements in 201 KAR 22:040.

Section 9[7]. A credential issued by the board shall be in effect until March 31 of the next uneven-numbered year.

Section 10[8]. A foreign-educated physical therapist shall comply with[~~this administrative regulation and~~] the provisions of 201 KAR 22:070.

Section 11[9]. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for Credentialing", December 2011;[~~August 15, 2011; and~~]

(b) "Supervisory Agreement", December 2011; and

(c) "Applicant Special Accommodations Request Form", February 2009.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Physical Therapy, 312 Whittington Parkway Suite 102, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m.

REBECCA KLUSCH, Executive Director

APPROVED BY AGENCY: December 13, 2011

FILED WITH LRC: December 15, 2011 at 9 a.m.

CONTACT PERSON: Becky Klusch, Executive Director, Board of Physical Therapy, 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222, phone (502) 429-7140, fax (502) 429-7142.

**GENERAL GOVERNMENT CABINET**

**Board of Physical Therapy**

**(As Amended at ARRS, February 13, 2012)**

**201 KAR 22:070. Requirements for foreign-educated physical therapists.**

RELATES TO: KRS 327.050, 327.060

STATUTORY AUTHORITY: KRS 327.040(1), (11), 327.060(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 327.040(11) authorizes the board to promulgate and enforce reasonable administrative regulations for the effectuation of the purposes of KRS Chapter 327. KRS 327.060(3) authorizes the board to approve services to provide an evaluation of a foreign-educated physical therapist applicant's educational credentials. This administrative regulation establishes the requirements a foreign-educated physical therapist shall satisfy to become credentialed in the state of Kentucky.

Section 1. A foreign-educated physical therapist applicant shall be credentialed if the applicant:

(1) Complies with the requirements of KRS 327.060(1)(b); and

(2) In accordance with KRS 327.060(1)(b), meets the following requirements:

(a) Furnishes the board a favorable educational credentials evaluation report from a credentialing agency that uses the appropriate edition of the "Coursework Evaluation Tool" (CWT) copyrighted by Federation of State Boards of Physical Therapy (FSBPT). An academic deficiency in general education coursework identified by the CWT shall be satisfied by the applicant through submission of evidence identifying one (1) of the following:

1. Completion of appropriate coursework at a regionally accredited academic institution;

2. Continuing education in a course approved by the board; or

3. Submission of a portfolio including a detailed resume and description of relevant work experience approved by the board;

(b) Shows proof of English Language Proficiency:

1. A score of not less than fifty (50) on the Test of Spoken English (TSE);

2. Verification that the applicant has achieved the following minimum scores for each category of the Test of English as a Foreign Language, TOEFL Internet-based test (TOEFL iBT): Writing, twenty-four (24), Speaking, twenty-six (26), Listening, eighteen (18), Reading, twenty-one (21); with an overall score of not less than eighty-nine (89); or

3. Verification that English is the native language of the country of origin;

(c) Submits a satisfactorily-completed application and appropriate fee as required by 201 KAR 22:135;

(d) Completes the HIV/AIDS education requirement as specified in KRS 327.050;

(e) Completes the Jurisprudence Exam;

(f) ~~Obtains a passing score on the National Physical Therapy Examination (NPTE). The requirements of 201 KAR 22:020, Section 2(3) and (4) are applicable to examination candidates who successfully complete the examination and HIV/AIDS education requirements as specified in KRS 327.050; and~~

(g) ~~Has successfully completed a minimum of three (3) months and no more than six (6) months of practice under the on-site supervision of a physical therapist credentialed under KRS Chapter 327 at a Kentucky facility previously approved by the board which satisfies the following requirements:~~

1. ~~The supervised practice shall be a minimum of not less than 390 hours in a 3 month period, in a facility which is serving as a clinical education site for students enrolled in a program in physical therapist education accredited by the Commission for Accreditation of Physical Therapy Education (CAPTE);~~

2. ~~The applicant shall work only with on-site supervision until a minimum score of three and five-tenths (3.5) with no ones (1.0) or twos (2.0) on a four (4.0) point scale has been achieved utilizing the Evaluation Form to Assess Physical Therapy Skills of Foreign Educated Applicant for Credentialing. The clinical supervisor shall submit the evaluation to the board after three (3) months practice, and if required, after the sixth month, when the required score denoting clinical competency shall have been reached;~~

3. ~~The supervising physical therapist shall, within the three (3) years prior to serving as a supervisor, have previously acted as clinical supervisor for a physical therapist student as part of a CAPTE accredited program; and~~

4. ~~The supervisor shall countersign all of the candidate's physical therapy records within fourteen (14) days.~~

Section 2. Temporary Permits for Foreign-educated Physical Therapist Applicants. (1) An applicant who has not satisfactorily completed three (3) months of supervised practice as a physical therapist shall be issued a temporary permit to complete Section 1(2)(e) of this administrative regulation if the applicant has:

(a) Completed the requirements of Section 1(2)(a) through (d) of this administrative regulation; and

(b) Submitted an approved "Supervisory Agreement for Physical Therapists Educated in a Foreign Country".

(2) The temporary permit shall be revoked if the applicant has not satisfactorily completed the supervised practice within a six (6) month period.

Section 3. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) Evaluation Form to Assess Physical Therapy Skills of Foreign Educated Applicant for Credentialing, 9/2/04"; and

(b) "Supervisory Agreement for Physical Therapists Educated in a Foreign Country, 10/12/00".

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Physical Therapy, 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m.

REBECCA KLUSCH, Executive Director

APPROVED BY AGENCY: December 13, 2011

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CONTACT PERSON: Becky Klusch, Executive Director, Board of Physical Therapy, 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222, phone (502) 429-7140, fax (502) 429-7142.

**GENERAL GOVERNMENT CABINET  
Kentucky Real Estate Appraisers Board  
(As Amended at ARRS, February 13, 2012)**

**201 KAR 30:375. Appraisal procedures for appraisal management companies.** [Fees paid to appraisers.]

RELATES TO: KRS 324A.150 – ~~324A.164~~[324.164], 15 U.S.C. 1639e(i), 12 C.F.R. 226.42(f) [through 324A.164]

STATUTORY AUTHORITY: KRS 324A.152(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 324A.152(8) [KRS 324A.154(2)] requires the board to establish by administrative regulation standards [rules] governing the operation of an appraisal management company. This administrative regulation establishes appraisal procedures for appraisal management companies [requirements for operating an appraisal management company].

Section 1. (1) A registrant shall make payment to an engaged appraiser for the completion of an appraisal within forty-five (45) days after the date on which the appraisal is transmitted or otherwise completed.

(2) Subsequent requests by a registrant to the appraiser for additional support of valuation or correction of factual and objective data shall not extend the payment date beyond the original forty-five (45)[45] days from first receipt of the appraisal.

(3) An appraiser shall comply with a registrant's request for additional data support of estimate of value or correction of factual and objective data errors within fifteen (15)[45] days of the request or be subject to complaint process to the Board by the registrant.

(4) ~~[(a) A registrant shall compensate a Kentucky-licensed or certified appraiser at a rate that is mutually agreed to between the Appraiser and the registrant provided the fee is equal to or greater than the fee schedule of the U.S. Department of Veterans Affairs for similar properties in the same geographic areas of the Kentucky.~~

~~[(b) Nothing in this subsection shall be construed to apply to any entity that is not under the board's jurisdiction under KRS 324A.164.~~

(5) An appraiser shall not be prohibited by an appraisal management company from including within each appraisal report the compensation received from the Appraisal Management Company for each appraisal assignment completed. [Section 2. Incorporation by Reference. (1) The U.S. Department of Veterans Affairs Fee Schedule is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Real Estate Appraisers Board, 135 W. Irvine Street, Suite 301, Richmond, Kentucky 40475, (859) 623-1658, Monday through Friday, 8 a.m. to 4:30 p.m.]

HAROLD BRANTLEY, Chair

APPROVED BY AGENCY: December 20, 2012

FILED WITH LRC: January 13, 2012 at 11 a.m.

CONTACT PERSON: Larry Disney, Executive Director, Kentucky Board of Real Estate Appraisers, 135 W. Irvine Street, Suite 301, Richmond, Kentucky 40475, phone (859) 623-1658; fax (859) 623-2598.

**GENERAL GOVERNMENT CABINET  
Kentucky Board of Licensure for Marriage and Family  
Therapists  
(As Amended at ARRS, February 13, 2012)**

**201 KAR 32:010. Definitions for 201 KAR Chapter 32.**

RELATES TO: KRS 335.330

STATUTORY AUTHORITY: KRS 335.320

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.320(9) requires the board to promulgate administrative regulations to implement the purpose and scope of KRS 335.300 to 335.399. This administrative regulation establishes definitions for

201 KAR Chapter 32.

Section 1. Definitions. (1) "Academic courses offered by an accredited postsecondary institution" means ~~[-(a)]~~ a marriage and family therapy course, designated by a marriage and family therapy course title or content, beyond the undergraduate level. ~~[-(b)]~~ An academic course, relevant to marriage and family therapy, beyond the undergraduate level. General education courses, either electives or designated to meet degree requirements, shall not be acceptable. Academic credit equivalency for continuing education hours shall be based on one (1) credit hour equals fifteen (15) continuing education hours.]

(2) "Approved" means recognized by the Kentucky Board of Licensure for Marriage and Family Therapists.

(3) "Approved supervisor" means an individual who:

(a) Holds a designation as an approved supervisor or supervisor in training granted by the American Association for Marriage and Family Therapy; or

(b) Is licensed as a marriage and family therapist in the Commonwealth of Kentucky with a minimum of five (5) ~~four (4)~~ years of experience in the practice of marriage and family therapy, eighteen (18) months of which shall be as a therapist licensed in the Commonwealth of Kentucky.

(4) "Clinical supervision" means the direct, face-to-face interaction between the supervisor and supervisee which utilizes a partnership aimed at enhancing the professional development of supervisees in providing marriage and family therapy services.

(5) "Continuing education hour" means fifty (50) clock minutes of participating in continuing educational experiences.

(6) "Equivalent course of study" means a master's or doctoral degree from a regionally accredited institution in a mental health field closely related to marriage and family therapy which either contains, or has been supplemented by, the coursework in each of the basic core areas listed in 201 KAR 32:020, Section 2(2).

(7) "Program" means an organized learning experience planned and evaluated to meet behavioral objectives; programs may be presented in one (1) session or in a series.

(8) "Provider" means an organization approved by the Kentucky Board of Licensure for Marriage and Family Therapists for providing continuing education programs.

(9) "Raw data" means video recorded sessions, live observation, or co-therapy with a board approved supervisor ~~audio tapes, direct observations, interactive videos, oral or written reports, video tapes, or other electronic media.~~

(10) "Relevant" means having content applicable to the practice of marriage and family therapy as determined by the board.

(11) "Successful completion" means that the licensee has satisfactorily met the specific requirements of the program and the licensee has earned the continuing education hours.

(12) "Two (2) years experience in the practice of marriage and family therapy" means a minimum of two (2) years of the practice of marriage and family therapy consisting of 1,000 hours of direct, face-to-face contact with individuals, couples, and families in the practice of marriage and family therapy under the supervision of an approved supervisor.

TONY WATKINS, Board Chairman

APPROVED BY AGENCY: December 12, 2011

FILED WITH LRC: December 14, 2011 at noon.

CONTACT PERSON: Angela Evans, Board Counsel, Asst. Attorney General, Office of the Attorney General, 700 Capitol Avenue, Suite 118, Frankfort, Kentucky 40601, phone (502) 696-5300, fax (502) 564-6801.

**GENERAL GOVERNMENT CABINET**  
**Kentucky Board of Licensure for Marriage and Family**  
**Therapists**  
**(As Amended at ARRS, February 13, 2012)**

**201 KAR 32:020. Equivalent course of study.**

RELATES TO: KRS 335.330(1), (2)

STATUTORY AUTHORITY: KRS 335.320(9), 335.330(1), (2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.330(1) provides that the board shall define a course of study equivalent to a master's degree in marriage and family therapy and promulgate the equivalency standard by administrative regulations. This administrative regulation establishes the criteria for the equivalent course of study.

Section 1. ~~Definition.~~ Definitions. (1) "Related field" means psychology, [clinical psychology,] community mental health, social work, or professional counseling ~~[-, or other degrees approved by the board based on relevancy].~~

Section 2. ~~[[4]]~~ An applicant for licensure as a marriage and family therapist shall:

(1) Comply with the requirements of KRS 335.330; and

(2) Submit an application on the Application for Licensure as a Marriage and Family Therapist or Marriage and Family Therapist Associate form, incorporated by reference in 201 KAR 32:025.

(3) An applicant completing a postgraduate degree program, masters degree program, or doctoral degree program accredited by the Commission on Accreditation of Marriage and Family Education who also has completed a masters or doctoral degree program in a related field ~~[-, such as psychology, clinical psychology, community mental health, social work, professional counseling, or other degrees approved by the board based on relevancy, prior to entering the applicant's board based on relevancy, prior to entering the applicant's current COAMFTE accredited program, in addition to what is required by KRS 335.330(1).]~~ may count clinical contact hours ~~experiential]~~ and clinical supervision hours earned in a Commission on Accreditation of Marriage and Family Education postgraduate degree program, masters degree program, or doctoral degree program towards ~~meeting]~~ the ~~experiential and]~~ clinical supervision requirements for licensure ~~[pursuant to KRS 335.330(2)].~~

Section 3. ~~[[2-]]~~ The basic core areas that are necessary in order to qualify as an equivalent course of study, shall include the following:

(1) Marriage and family studies. This area shall include a minimum of three (3) courses (nine (9) semester hours, twelve (12) quarter hours, or 135 didactic contact hours). Courses in this area shall be theoretical in nature and have a major focus of system theory orientation, and may include:

- (a) Systems theory;
- (b) Family development;
- (c) Blended families;
- (d) Cultural issues in families;
- (e) Family subsystems;
- (f) Major models of family systems theory; or
- (g) Gender issues in families;

(2) Marriage and family therapy. This area shall include a minimum of three (3) courses (nine (9) semester hours, twelve (12) quarter hours, or 135 didactic contact hours). Courses in this area shall have a major focus on family systems theory and systemic therapeutic interventions. Courses shall relate to major theories of family systems change and therapeutic practices evolving from each theoretical model. Examples include:

- (a) Structural communications family therapy;
- (b) Strategic object relations family therapy;
- (c) Behavioral family therapy;
- (d) Intergenerational family therapy;
- (e) Solution oriented family therapy;
- (f) Narrative family therapy; and
- (g) Systemic sex therapy;

(3) Human development. This area shall include a minimum of three (3) courses (nine (9) semester hours, twelve (12) quarter hours, or 135 didactic contact hours). Courses in this area shall provide knowledge of individual human personality development in both normal and abnormal manifestations. Topic areas include, for example:

- (a) Human development;
- (b) Personality theory;
- (c) Human sexuality; and
- (d) Effects of gender and cultural issues on human develop-

ment;

(4) Psychopathology and Diagnostic and Statistical Manual of Mental Disorders. This area shall include a one (1) course minimum (three (3) semester hours, four (4) quarter hours, or forty-five (45) didactic contact hours). Courses in this area shall include psychopathology, diagnosis through use of the Diagnostic and Statistical Manual of Mental Disorders, or applications of the Diagnostic and Statistical Manual of Mental Disorders to marriage and family therapy;

(5) Professional studies. This area shall include a minimum of one (1) course minimum (three (3) semester hours, four (4) quarter hours, or forty-five (45) didactic contact hours). Courses include, for example:

- (a) Professional ethics in marriage and family therapy;
- (b) Legal responsibilities of the therapist;
- (c) Professional socialization and the role of the professional organization;
- (d) Licensure or certification legislation; and
- (e) Independent practice issues;
- (6) Research. This area shall include a minimum of one (1) course minimum (three (3) semester hours, four (4) quarter hours, or forty-five (45) didactic contact hours). Courses may include:

- (a) Statistics;
- (b) Research methods;
- (c) Quantitative methodology; or
- (d) Other courses designed to assist the student to understand and perform research; or

(7) Practicum or internship. The practicum or internship shall include a minimum of one (1) year or 300 hours of supervised direct client contact with individuals, couples, and families for family therapy.

(a) An applicant[Applicants] who did not complete a clinical practicum in graduate school may satisfy the practicum requirement with his or her[their] first 300 post masters' client contact hours.

(b) These hours shall not be counted toward the two (2) years of required post master's experience or the 200 hours of clinical supervision.

Section 4.[3.] A course used to fulfill one (1) of the requirements established in Section 2 of this administrative regulation shall not be used to fulfill more than one (1) of the basic core area requirements.

Section 5.[4.] (1) An applicant[Applicants] who completed a qualifying graduate degree in a mental health field prior to 1985 may substitute conferences, workshops, seminars, or in-service training related to marriage and family therapy attended or presented as a substitute for college coursework required in Section 3[2] of this administrative regulation.

(2) Forty-five (45) contact hours of relevant content shall equal three (3) semester hours of credit.

(3) A list of equivalencies the applicant wishes to have considered shall be organized by core area as established in Section 3[2] of this administrative regulation.

(4) Appropriate documentation shall include:

- (a) Date;
- (b) Title;
- (c) Course description;
- (d) Sponsoring organization;
- (e) Presenter, including presenter's qualifications;
- (f) Number of contact hours attended or presented; and
- (g) Certificates of attendance.

Section 6.[5.] Other acceptable equivalencies shall be considered as follows:

(1) One (1) graduate level course taught on a subject relevant to marriage and family therapy after 1985 shall be considered equivalent to three (3) semester hours of credit.

(2) Publication on a subject relevant to marriage and family therapy dated after 1985 may be submitted as equivalencies as acceptable to the board. Credit shall be granted as follows:

(a)1. A chapter in a book is equivalent to three (3) semester hours of credit.

2. An applicant who authors or edits a book shall be given credit equivalent to six (6) semester hours of credit.

3. An applicant shall submit a copy of the title page, table of contents, and bibliography.

(b)1. Publication in a professional refereed journal shall be equivalent to three (3) semester hours of credit.

2. An applicant shall submit the journal table of contents and a copy of the article as it appeared in the journal including bibliography.[Section 6. Clinical membership in the American Association for Marriage and Family Therapy plus documentation of coursework in psychopathology and the Diagnostic and Statistical Manual of Mental Disorders shall be accepted as evidence that the applicant has met both the educational and experiential requirements for licensure as established in KRS 335.330(3) and (4)(a) and (b).]

TONY WATKINS, Board Chairman

APPROVED BY AGENCY: December 12, 2011

FILED WITH LRC: December 14, 2011 at noon

CONTACT PERSON: Angela Evans, Board Counsel, Asst. Attorney General, Office of the Attorney General, 700 Capitol Avenue, Suite 118, Frankfort, Kentucky 40601, phone (502) 696-5300, fax (502) 564-6801.

**GENERAL GOVERNMENT CABINET  
Kentucky Board of Licensure for Marriage and Family  
Therapists  
(As Amended at ARRS, February 13, 2012)**

**201 KAR 32:025. Marriage and family therapist associate.**

RELATES TO: KRS 335.332

STATUTORY AUTHORITY: KRS 335.320(9), 335.332(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.332(3) requires the board to promulgate administrative regulations establishing the fees and other requirements for a marriage and family therapist associate permit. This administrative regulation establishes the requirements for marriage and family therapist associates.

Section 1. Marriage and Family Therapist Associate Application and Renewal. (1)(a) A person desiring to be a marriage and family therapist associate shall apply for and submit to the board an Application for Licensure as a Marriage and Family Therapist or Marriage and Family Therapist Associate with a fee of fifty (50) dollars for the first year.

(b) The initial application shall include a copy of a supervisory contract with the designated supervisor for approval by the board.

(2)(a) An annual renewal fee of fifty (50) dollars for each subsequent year shall be submitted to the board.

(b) Contract renewal and extension shall be granted in accordance with Section 4 of this administrative regulation.

(3) An associate desiring to renew a permit shall file a completed Associate Permit Renewal Form and the completed supervision log to accompany the fee established in subsection (2) of this section.

(4) An associate who fails to renew his or her expiration date shall have thirty (30) days to pay the renewal fee of fifty (50) dollars plus a late fee of twenty (20) dollars for a total of seventy (70) dollars.

(a) The fee shall be postmarked on or before the end of the thirty (30) day grace period in accordance with the expiration date indicated on the renewal form.

(b) Failure to renew the permit in a timely manner as established in this subsection shall result in termination of the permit.

Section 2. Supervisory Contract. (1) Prior to beginning a course of supervision for the purpose of meeting licensure requirements, a marriage and family therapist associate shall contract with an approved supervisor in writing.

(2) The approved supervisor shall enter into a Plan of Supervision for Clinical Experience with a person who meets the criteria for becoming a marriage and family therapist associate.

(3) The approved supervisor shall be responsible for the mar-

riage and family therapist associate's development and the welfare of the clients served by the marriage and family therapist associate in accordance with the code of ethics established in 201 KAR 32:050 and the provisions in 201 KAR 32:035.

(4) If a new supervisory contract is entered into with a different supervisor, approval shall be obtained from the board.

(5)(a) If a supervision contract is terminated, the approved supervisor shall, within thirty (30) days, notify the board in writing that he or she is no longer the supervisor ~~[of record]~~.

(b) The marriage and family therapist associate has thirty (30) days from the date of termination to submit the new supervisory contract to the board.

Section 3. Contract Information. The supervisory contract between the marriage and family therapist associate and the approved supervisor shall contain the following information:

(1) The name of the marriage and family therapist associate;

(2) The name and license number of the approved supervisor ~~[of record]~~;

(3) The name and license number of other approved supervisors;

(4) The agency, institution, or organization where the experience will be received;

(5) A detailed description of the nature of the practice including the type of:

(a) Clients to be seen;

(b) Therapies and treatment modalities that shall be used including the prospective length of treatment; and

(c) Problems or conditions that shall be treated;

(6) The nature, duration, and frequency of the supervision, including the:

(a) Number of hours of supervision per week;

(b) Amount of group and individual supervision; and

(c) Methodology for transmission of case information;

(7) The conditions or procedures for termination of the supervision; and

(8) A statement that:

(a) The approved supervisor~~[of record]~~ understands that he or she shall be accountable to the board for the care given to the marriage and family therapist associate's clients; and

(b) The approved supervisor~~[of record]~~ and other supervisors meet the criteria established in 201 KAR Chapter 32.

Section 4. Contract Renewal and Extension. (1) Upon approval of the board, a supervisory contract shall be issued for a term of one (1) year. There shall not be a limit on the number of extensions that may be granted a marriage and family therapist associate.

~~2~~~~(3)~~ Upon associate permit renewal, the supervisory contract shall be reaffirmed by written correspondence from the ~~ap-~~  
~~proved~~ supervisor ~~[of record]~~ or a new supervisor contract shall be supplied by the applicant.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for Licensure as a Marriage and Family Therapist~~[or Marriage and Family Therapist]~~ Associate", ~~[(10/2011)]~~~~[2009]~~; and

(b) "Plan of Supervision for Clinical Experience", ~~[(10/2011)]~~~~[2008]~~;

(c) "Associate Permit Renewal Form", 2008~~;~~ and

(d) "Marriage and Family Therapist Associate Supervision Log", 2008~~;~~

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leewood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

TONY WATKINS, Board Chairman

APPROVED BY AGENCY: December 12, 2011

FILED WITH LRC: December 14, 2011 at noon

CONTACT PERSON: Angela Evans, Board Counsel, Asst. Attorney General, Office of the Attorney General, 700 Capitol Avenue, Suite 118, Frankfort, Kentucky 40601, phone (502) 696-5300, fax (502) 564-6801.

**GENERAL GOVERNMENT CABINET**  
**Kentucky Board of Licensure for Marriage and Family Therapists**  
**(As Amended at ARRS, February 13, 2012)**

**201 KAR 32:035. Supervision of marriage and family therapist associates.**

RELATES TO: KRS 335.320(6), 335.332

STATUTORY AUTHORITY: KRS 335.320(4), (5)

NECESSITY FUNCTION AND CONFORMITY: KRS 335.320(4) requires the board to license applicants who satisfy the experience and educational requirements and who have paid the fee. KRS 335.320(5) requires the board to review and approve supervision contracts between marriage and family therapy associates and their approved supervisors. This administrative regulation establishes the supervision requirements for marriage and family therapy associates and their board-approved supervisors.

Section 1. Definitions. (1) "Group supervision" means supervision of more than ~~one (1), but less than seven (7),~~~~two (2)]~~ supervisees with the supervisor.

(2) "Qualified mental health professional" means a licensed marriage and family therapist, licensed psychologist, licensed psychiatrist, licensed professional clinical counselor, or licensed clinical social worker

(3) "Raw data" means video recorded~~[video-taped]~~ sessions, live observation, or co-therapy with a board-approved supervisor.

Section 2. Qualifications for Board-Approved Supervisors Status. (1) Effective January 1, 2011, a board-approved supervisor shall be:(a) An American Association of Marriage and Family Therapists (AAMFT) approved supervisor in good standing;

(b) An AAMFT supervisor in training~~[candidate]~~;

(c) A marriage and family therapist licensed in Kentucky and in good standing with a minimum of five (5) years of experience in the practice of marriage and family therapy; or

(d) A person licensed and in good standing with a minimum of five (5) years of experience as a marriage and family therapist in another state, and who meets the licensure requirements for Kentucky.

(2) To obtain initial board-approved supervisor status, an applicant who is not an AAMFT supervisor or supervisor in training in good standing shall provide proof of completion of six (6) hours of~~licensure~~ board-approved continuing education courses in supervision.

(a) The course shall be taken within the two (2) years preceding the date of application to become a board-approved supervisor.

(b) This requirement shall be in addition to the fifteen (15) hours of continuing education required for licensure renewal~~[by 201 KAR 32:060]~~.

(c) The approved courses may be live or online and shall include:

1. Kentucky law governing the practice of marriage and family therapy, both administrative regulations and statutes;

2. Theories of supervision;

3. Ethical issues involved in supervision; and

4. Supervisor responsibilities such as logs, treatment~~[,]~~ planning and recording.~~[This requirement shall be included in the fifteen (15) hours of continuing education required by 201 KAR 32:060.]~~

(3) To maintain board-approved supervisor status, a non-AAMFT approved supervisor shall complete two (2) hours of continuing education in supervision every year~~[, to maintain board-approved supervisor status.]~~ These two (2) hours~~[This requirement]~~ shall be included in the fifteen (15) hours of continuing education required for licensure renewal~~[by 201 KAR 32:060]~~.

(a) The~~[approved]~~ courses may be live or online and shall include:

1. Kentucky law governing the practice of marriage and family therapy, both administrative regulations and statutes;

2. Theories of supervision;

3. Ethical issues involved in supervision; and
4. Supervisor responsibilities such as logs, treatment[.] planning and recording.

(4) ~~To renew as a board-approved~~[Board-approved] supervisor, an AAMFT approved supervisor shall complete one (1) hour of continuing education every year in Kentucky law governing the practice of marriage and family therapy[. to maintain board-approved supervisor status]. The course may be attended live or on-line. ~~The one (1) hour~~[This requirement] shall be included in the fifteen (15) hours of continuing education required for licensure renewal.~~[by 201 KAR 32:060.]~~

Section 3. Clinical Supervision. (1) Clinical supervision shall:

- (a) Be equally distributed throughout the qualifying period and shall average at least four (4) hours per month as specified in the supervision contract;
- (b) Be clearly distinguishable from psychotherapy, didactic enrichment, or training activities;
- (c) Focus on raw data from the supervisee's current clinical work;~~[. and]~~
- (d) Be direct, face-to-face contact between the supervisor and supervisee, unless an alternative form of supervision has been approved by the board based on undue burden for the supervisor or supervisee; and

(e) Continue until the supervisee is licensed by the Board.

(2) The supervision process shall focus on:

- (a) Accurate diagnosis of client problems leading to proficiency in applying professionally recognized nomenclature and developing a plan for treatment as established in the Diagnostic and Statistical Manual of Mental Disorders;
- (b) Development of treatment skills appropriate to the therapeutic process;
- (c) Development of sensitivity to context and issues relating specifically to the family or individual being counseled;
- (d) Acknowledgment of an awareness of the use of the professional self of the therapist in the process of therapy;
- (e) Increased theoretical and applied knowledge for the therapist;
- (f) Acquisition of a greater depth of knowledge and range of techniques in the provision of marriage and family therapy; and
- (g) Awareness of ethical issues in practice, in order to safeguard and enhance the quality of care available to marriage and family therapy clients.

Section 4. Standards for Raw Data Used for Supervision. The use of raw data in a supervision session shall constitute a minimum of fifty (50) hours of the 200 hours of required supervision.

Section 5. In a therapy session involving a board-approved supervisor and supervisee:

- (1) The role of the board-approved supervisor as a supervisor or co-therapist shall be clearly defined prior to beginning a therapy session; and
- (2) The supervisees shall receive credit for client contact hours and supervision hours.

Section 6. Documentation Requirements. (1) The board-approved supervisor and marriage and family therapist associate shall maintain copies of the completed~~[a]~~ Supervision Log which shall document:

- (a) The frequency and type of supervision provided; and
  - (b) The method of supervision utilized, such as observation, dialogue and discussion, and instructional techniques employed.
- (2) No more than 100 hours of supervision hours may take place in group supervision.

Section 7. Number of Supervisees. (1) A board-approved supervisor shall not supervise more than six (6) marriage and family therapist associates at the same time~~[.]~~ unless approved by the board~~[time]~~.

(2) A request to supervise more than six (6) marriage and family therapist associates shall be submitted to the board for approval and shall demonstrate in writing the supervisor's plan and ability to supervise additional marriage and family therapist associates.

Section 8. Temporary Supervision. (1) In extenuating circumstances, if a marriage and family therapist associate is without supervision, the associate may continue working up to ninety (90) calendar days under the supervision of a qualified mental health provider while an appropriate board-approved supervisor is sought and a new supervision contract is submitted to the board. Extenuating circumstances include situations such as death or serious illness of the board-approved supervisor, a leave of absence by the supervisor, or the termination of the supervisor's employment.

(2) The supervisee shall notify the board of these circumstances and shall submit, in writing, a plan for resolution of the situation within thirty (30) calendar days of the change in status of board-approved supervision. The written plan shall include:

- a. The name of the temporary supervisor;
- b. Verification of the credential held by the temporary supervisor;
- c. An address for the temporary supervisor; and
- d. A telephone number for the temporary supervisor.

Section 9. Board-approved Supervisor's Responsibilities to Clients and Supervisees. (1) A board-approved supervisor shall be responsible for ensuring the proper and appropriate delivery of marriage and family therapy services to clients.

(2) A board-approved supervisor shall be responsible for fostering the professional competence and development of the marriage and family therapist associates under his or her supervision.

(3) A board-approved supervisor shall be responsible for compliance with the code of ethics established in 201 KAR 32:050 and take steps to ensure that supervisees comply with the code of ethics as well.

Section 10. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Diagnostic and Statistical Manual of Mental Disorders", 2009; and

(b) "Supervision log", 10/2011.

~~(2) "Diagnostic and Statistical Manual of Mental Disorders", 2009, is incorporated by reference.~~

~~(2) "Supervision Log", 10/2011.~~

~~(3) [2]~~ This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Division of Occupations and Professions, 911 Leewood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

TONY WATKINS, Board Chairman

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CONTACT PERSON: Angela Evans, Board Counsel, Asst. Attorney General, Office of the Attorney General, 700 Capitol Avenue, Suite 118, Frankfort, Kentucky 40601, phone (502) 696-5300, fax (502) 564-6801.

**GENERAL GOVERNMENT CABINET**  
**Kentucky Board of Licensure for Marriage and Family**  
**Therapists**  
**(As Amended at ARRS, February 13, 2012)**

**201 KAR 32:045. Examination.**

RELATES TO: KRS 335.320, 335.332(1)

STATUTORY AUTHORITY: KRS 335.320(9), 335.330

NECESSITY, CONFORMITY, AND FUNCTION: KRS 335.330 requires an applicant to pass a written examination prescribed by the board. This administrative regulation establishes the process for taking the examination.~~[the board to administer a test for licensure for marriage and family therapists.]~~

Section 1.~~[General Requirements. (1) The board shall publish pertinent instructions and establish the examination schedule which shall include the:~~

- ~~(a) Place;~~
- ~~(b) Time; and~~
- ~~(c) Final date by which the board shall have received the appli-~~

cant's materials.

(2)(a) An applicant for examination shall:

1. Submit a complete "Application for Licensure as a Marriage and Family Therapist or Marriage and Family Therapist Associate"; and

2. Pay the application fee, as required by Section 4 of 201 KAR 32:030.

(b) Once the application has been approved by the board, the applicant shall be scheduled to take the examination at the next regularly scheduled date.

(3) The examination shall be deferred until the next scheduled date, without forfeiture of the examination fee, if the applicant fails to appear for the examination because of:

(a) Illness of an immediate family member;

(b) Death of a family member; or

(c) Similar unforeseen emergency.

(4) If an applicant fails to appear for an examination without one (1) of the reasons described in subsection (3) of this section:

(a) The application shall be terminated on the date of the examination;

(b) Licensure shall be denied on the basis of failure of the examination by default; and

(c) The applicant shall:

1. Forfeit all application fees;

2. Be required to resubmit an application to the board; and

3. Take the examination at the next regularly scheduled date.

(5) If an applicant fails to appear for or to complete the examination without presenting a valid reason in writing, including illness or death in the immediate family:

(a) The application shall be terminated on the date of the examination; and

(b) The applicant shall be denied licensure on the basis of failure of the examination by default.

Section 2.] Examination for Licensure. (1) An applicant for licensure shall submit to a written examination in accordance with **subsections [subsection] (2) and (3)[subsections (2) and (3)]** of this section.

(2) An applicant shall submit a complete "Application for Licensure as a Marriage and Family Therapist." Once the application is approved by the Board, the applicant's name shall be sent to the testing agency. The applicant shall then contact the testing agency to schedule the examination.

(3) The board shall contract with a testing agency that tests on the requirements in KRS 335.330(1) and (2) and 335.340(2). The test shall be administered to an applicant upon completion of the requirements of KRS 335.330(1) and (2) and 335.340(2). Upon receipt of the test results from the testing agency, the Board shall notify the applicant of the applicant's results.

(4)[3] If an applicant for licensure fails the objective examination, the candidate shall, with payment of the required fee, be rescheduled to take the examination at its next regularly scheduled date.

(5)[4] The candidate may continue to function as a marriage and family therapist associate under the supervision of the board-approved supervisor until:

(a) The examination is successfully completed;

(b) The supervisory contract is terminated; or

(c) The candidate ceases to practice as a marriage and family therapist associate and notifies the board in writing.

(6) Any request for deferment of the examination shall be made by the applicant directly to the testing agency, who shall have full discretion to grant or deny the request.

Section 3. Incorporation by Reference. (1) "Application for Licensure as a Marriage and Family Therapist", [10/2011 Edition] ~~or Marriage and Family Therapist Associate", (6/17/99 Edition)]~~, [.] Board of Marriage and Family Therapists, is incorporated by reference.

(2) This material may be inspected, copied, or obtained at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

TONY WATKINS, Board Chairman

APPROVED BY AGENCY: December 12, 2011

FILED WITH LRC: December 14, 2011 at noon

CONTACT PERSON: Angela Evans, Board Counsel, Asst. Attorney General, Office of the Attorney General, 700 Capitol Avenue, Suite 118, Frankfort, Kentucky 40601, phone (502) 696-5300, fax (502) 564-6801.

**GENERAL GOVERNMENT CABINET**  
**Kentucky Board of Licensure for Marriage and Family Therapists**  
**(As Amended at ARRS, February 13, 2012)**

**201 KAR 32:060. Continuing education requirements.**

RELATES TO: KRS 335.340

STATUTORY AUTHORITY: KRS 335.320(9), 335.340(7)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.340(7) authorizes the board to promulgate administrative regulations requiring marriage and family therapists to complete continuing education requirements as a condition of renewal of their license. This administrative regulation delineates the requirements for continuing education and prescribes methods and standards for the accreditation of continuing education courses.

Section 1. Accrual of Continuing Education Hours; Computation of Accrual. (1) A minimum of fifteen (15) continuing education hours shall be accrued by each licensee during the one (1) year licensure period for renewal.

(2) All hours shall be in or related to the field of marriage and family therapy.

(3) Three (3) hours of the fifteen (15) hours required by subsection (1) of this section shall be accrued in the fields of professional ethics.

Section 2. Methods of Acquiring Continuing Education Hours. Continuing education hours applicable to the renewal of the [mandatory] license shall be directly related to the professional growth and development of marriage and family therapy practitioners. They may be earned by completing any of the following educational activities: (1) Programs not requiring board review and approval. Programs from the following sources shall be deemed to be relevant to the practice of marriage and family therapy and shall be approved without further review by the board:

(a) Programs provided by the American Association for Marriage and Family Therapy (AAMFT) and its state affiliates;

(b) Academic courses as defined in 201 KAR 32:010; and

(c) Continuing education programs offered by Commission on Accreditation for Marriage and Family Therapy Education accredited institutions.

(2) Programs requiring board review and approval. Programs from the following sources shall be reviewed and may be determined to be relevant and therefore subsequently approved by the board:

(a) Relevant programs, including home study courses and in-service training provided by other organizations, educational institutions, or other service providers approved by the board;

(b) Relevant programs or academic courses presented by the licensee. Presenters of relevant programs or academic courses may earn full continuing education credit for each contact hour of instruction, not to exceed one-half (1/2) of the continuing education renewal requirements. Credit shall not be issued for repeated instruction of the same course;

(c) Relevant publications in a professionally recognized or juried publication. Credit shall not be granted except for those publications that were published within the one (1) year period immediately preceding the renewal date. A licensee shall earn one-half (1/2) of the continuing education hours required for a relevant publication. More than one (1) publication shall not be counted during each renewal period; and

(d) Related areas not specifically a part of the field of marriage and family therapy may be approved for up to two (2) continuing education hours out of the fifteen (15) required if the board be-

lieves the related areas may serve to enhance the licensee's ability to practice.

Section 3. ~~Procedures for Preapproval of~~ Continuing Education Sponsors ~~and Programs~~. (1) Any entity seeking to obtain approval of a continuing education program prior to its offering shall pay the fee as established in 201 KAR 32:030, Section 7, and submit an "Application for Continuing Education Sponsor Approval" ~~[apply]~~ to the Board at least sixty (60) days in advance of the ~~commencement of the~~ program. The application shall include, ~~stating~~ the:

- (a) Type of learning activity;
  - (b) Subject matter;
  - (c) Names and qualifications of the instructors; and
  - (d) Number of continuing education hours offered.
- (2) A continuing education activity shall be qualified for preapproval if the board determines the activity being presented:
- (a) Is an organized program of learning;
  - (b) Pertains to subject matters which integrally relate to the practice of marriage and family therapy;
  - (c) Contributes to the professional competency of the licensee; and
  - (d) Is conducted by individuals who have educational training or experience acceptable to the Board.

Section 4. Responsibilities and Reporting Requirements of Licensees. A licensee shall be responsible for obtaining required continuing education hours. He shall identify his own continuing education needs, take the initiative in seeking continuing professional education activities to meet these needs, and seek ways to integrate new knowledge, skills and attitudes. Each person holding licensure shall:

- (1) Select approved activities by which to earn continuing education hours;
- (2) Submit to the board when applicable a request for approval for continuing education activities not approved by the board as set forth in Section 3 of this administrative regulation;
- (3) Maintain records of continuing education hours. Each licensee shall maintain, for a period of one (1) year from the date of renewal, all documentation verifying successful completion of continuing education hours. During each licensure renewal period, up to fifteen (15) percent of all licensees shall be required by the board to furnish documentation of the completion of the appropriate number of continuing education hours for the current renewal period. Verification of continuing education hours shall not otherwise be reported to the board;
- (4) Document attendance and participation in a continuing education activity in the form of official documents including transcripts, certificates, affidavits signed by instructors, receipts for fees paid to the sponsor, or less formal evidence including written summaries of experiences that are not otherwise formally or officially documented in any way. The type of documentation required shall vary depending on the specific activity submitted to the board for approval; and
- (5) Fully comply with the provisions of this administrative regulation. Failure to comply shall constitute a violation of KRS 335.340(7) and may result in the refusal to renew, suspension, or revocation of the licensure.

Section 5. Carry-over of Continuing Education Hours, Prohibited. There shall not be a carry-over of continuing education hours earned in excess of those required under Section 1 of this administrative regulation into the immediately following licensure renewal period.

Section 6. Board to Approve Continuing Education Hours; Appeal When Approval Denied. In the event of denial, in whole or part, of any application for approval of continuing education hours, the licensee shall have the right to request reconsideration by the board of its decision. The request shall be in writing and shall be received by the board within thirty (30) days after the date of the board's decision denying approval of continuing education hours.

Section 7. Waiver or Extensions of Continuing Education. (1)

The board may, in individual cases involving medical disability, illness, or undue hardship as determined by the board, grant waivers of the minimum continuing education requirements or extensions of time within which to fulfill the same or make the required reports.

(2) A request for waiver or extension shall~~must~~ be in writing and submitted within the ninety (90) day license renewal grace period.

(3) A written request for waiver or extension of time involving medical disability or illness shall be submitted by the licensee and shall be accompanied by a verifying document signed by a licensed physician.

(4)~~(3)~~ A waiver of the minimum continuing education requirements or an extension of time within which to fulfill the continuing education requirements may be granted by the board for a period of time not to exceed one (1) calendar year.

(5)~~(4)~~ If the medical disability or illness upon which a waiver or extension has been granted continues beyond the period of the waiver or extension, the licensee shall reapply for the waiver or extension in writing, prior to the expiration of the extension or waiver.

Section 8. Incorporation by Reference. (1) "Application for Continuing Education Program Sponsor Approval", ~~[110/2011 Edition]~~, Board of Marriage and Family Therapists, is incorporated by reference.

(2) This material may be inspected, copied, or obtained at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

TONY WATKINS, Board Chairman

APPROVED BY AGENCY: December 12, 2011

FILED WITH LRC: December 14, 2011 at noon

CONTACT PERSON: Angela Evans, Board Counsel, Asst. Attorney General, Office of the Attorney General, 700 Capitol Avenue, Suite 118, Frankfort, Kentucky 40601, phone (502) 696-5300, fax (502) 564-6801.

**GENERAL GOVERNMENT CABINET  
Kentucky Board of Licensed Professional Counselors  
(As Amended at ARRS, February 13, 2012)**

**201 KAR 36:060. Qualifying experience under supervision.**

RELATES TO: KRS 335.500(4), 335.505(4), 335.525(1)(e)

STATUTORY AUTHORITY: KRS 335.515(1), (3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.505(4) allows a student intern or trainee in professional counseling to use the title of "professional counselor intern" or "student in training" if the activities are performed under the supervision or direction of an approved supervisor and the activities are a part of a supervised program of study. KRS 335.525(1)(e) provides that an applicant for a professional clinical counselor license shall have acquired ~~4,000~~[4000] hours of experience in the practice of counseling under approved supervision. KRS 335.515(3) requires the board to promulgate administrative regulations to implement KRS 335.500 to 335.599, relating to licensed professional counselors. This administrative regulation establishes the requirements relating to supervision and the requirements for experience under supervision.

Section 1. Definitions. (1) "Face-to-face" means supervision that may include interactive, simultaneous video and audio media with a minimum of one direct meeting per month that is in person where the supervisor and supervisee are physically present in the same room.

(2) "Practice of counseling" means professional counseling services within the scope of Section 2 of this administrative regulation and which involve the application of mental health and development principals, methods or procedures, including assessment, evaluation, diagnosis, and treatment of emotional disorders or mental illnesses, to assist individuals to achieve more effective



personal, social, educational, or career development and adjustment.

(3)[(2)] **"Supervisee"**["Supervisee"] means a licensed professional counselor associate who works with clients under supervision.

(4)[(3)] "Supervision" means the educational process of utilizing a partnership between a supervisor and a supervisee aimed at enhancing the professional development of the supervisee in providing professional counseling services to meet the requirements of KRS 335.525(1)(e).

(5)[(4)] "Supervisor" means a member of a mental health or behavioral-services profession listed in Section 3(1) of this administrative regulation who controls, oversees, guides, and takes responsibility for the professional clinical counseling practice of a supervisee in accordance with this administrative regulation.

Section 2. Requirements for the Practice of Professional Counseling. (1) The practice of professional counseling shall be based on knowledge of **areas including** interpersonal, cognitive, cognitive behavioral, psychodynamics, human relations, crisis intervention, psychopathology, group dynamics, and effective methods and strategies necessary to help the client achieve mental, vocational, emotional, physical, social, moral, and spiritual development and adjustment throughout the client's life span.

(2) **In providing counseling services, a licensee shall possess and utilize skills in**~~A practitioner of professional counseling shall possess and utilize numerous skills, including skills necessary to apply professional counseling services relative to~~ the following areas:

- (a) The helping relationship, including counseling theory and practice;
- (b) Human growth and development;
- (c) Lifestyle and career development;
- (d) Group dynamics, process, counseling, and consulting;
- (e) Assessment, appraisal, and testing of individuals ~~[where the licensee has had appropriate training and supervised experience with the instruments used by that individual];~~
- (f) Social and cultural foundation, including multicultural issues;
- (g) Principles of etiology, diagnosis, treatment planning, and prevention of mental and emotional disorders and dysfunctional behavior;
- (h) Research and evaluation; and
- (i) Professional orientation and ethics.

Section 3. Supervision. (1) A supervisor shall be properly credentialed under Kentucky law as a member of one (1) of the following professions:

- (a) A licensed professional clinical counselor;
- (b) A licensed psychologist, licensed psychological practitioner, or a certified psychologist with autonomous functioning;
- (c) A licensed clinical social worker;
- (d) A licensed psychiatrist;
- (e) A nurse with a master's degree and psychiatric certification;

or

- (f) A licensed marriage and family therapist.

(2) The supervisor shall:

- (a) Provide supervision to a person obtaining the experience required under KRS 335.525(1)(e);
- (b) Not have:
  - 1. An unresolved citation filed against the supervisor by the board that licenses or certifies that profession;
  - 2. A suspended or probated license or certificate;
  - 3. An order from the board under which the supervisor is licensed or certified prohibiting the supervisor from providing supervision; or
  - 4. A previous or existing dual relationship or other personal relationship with a supervisee;
- (c) Have been in the practice of his or her profession for two (2) years following licensure or certification in that profession; and
- (d) Have completed the supervisor training required by subsection (3) of this section.

1. Except as provided in subparagraph 2 of this paragraph, experience acquired under the supervision of an individual who has not completed the supervisor training shall not count toward

the requirements of KRS 335.525(1)(e).

2. A supervisor who is providing supervision on the effective date of this administrative regulation shall complete the training by October 31, 2010.

(3) In order to obtain board-approved supervisor status, a supervisor shall complete three (3) hours of board-approved supervisor training.

(a) The board-approved supervisor training shall cover Kentucky law governing the practice of professional counseling, both administrative regulations and statutes, theories of supervision, ethical issues involved in supervision, and supervisor responsibilities such as logs, treatment, planning, recording, and proper documentation.

(b) Supervisor training shall be conducted by an instructor who is a Licensed Professional Clinical Counselor and who has demonstrated proficiency in the curriculum established in paragraph (a) ~~or~~<sup>if</sup> this subsection.

(c) To maintain board-approved supervisor status, a supervisor shall retake the board-approved supervisor training every three (3) years.

(4) A supervisor of record shall assume responsibility for the practice of the supervisee. A supervisor shall not serve as a supervisor of record for more than six (6) persons obtaining experience for certification or licensure at the same time.

Section 4. Supervisory Agreement. (1) A supervisee shall enter into a written supervisory agreement with an approved supervisor. The supervisory agreement shall contain:

- (a) The name and address of the supervisee;
- (b) The name, address, license or certification number, and number of years of practice of the supervisor of record;
- (c) The name, address, license or certification number, and number of years of practice of other supervisors;
- (d) The agency, institution, or organization where the experience will be received;
- (e) A detailed description of the nature of the practice including the type of:
  - 1. Clients which ~~will~~<sup>shall</sup> be seen;
  - 2. Therapies and treatment modalities which ~~will~~<sup>shall</sup> be used including the prospective length of treatment; and
  - 3. Problems which ~~will~~<sup>shall</sup> be treated;
- (f) The nature, duration, and frequency of the supervision, including the:
  - 1. Number of hours of supervision per week;
  - 2. Number of hours of individual supervision;
  - 3. Methodology for transmission of case information; and
  - 4. Number of hours of face-to-face supervision which ~~meet~~<sup>meet</sup> the requirements of KRS 335.525(1)(e); ~~and~~
- ~~(g) A statement that~~<sup>(g) A statement that</sup> ~~Clearly identify whether~~ supervision shall:

- 1. ~~[b-]~~ Occur a minimum of three (3) times per month and one (1) hour per meeting ~~for a full time practice which consists of twenty-five (25) clock hours or greater per week; or~~
- 2. Occur a minimum of one (1) hour for every thirty (30) hours of client contact for a part time practice which consists of less than twenty-five (25) clock hours per week; ~~or~~

~~(h)~~<sup>(h)</sup> The conditions or procedures for termination of the supervision;

~~(i)~~<sup>(i)</sup> A statement that:

- 1. The supervisor of record understands that the supervisor shall be held accountable to the board for the care given to the supervisee's clients; and
- 2. The supervisor of record meets the criteria established in Section 3 of this administrative regulation; and
- ~~(j)~~<sup>(j)</sup> The signatures of both the supervisor and the supervisee. If a supervisee changes his or her supervisor of record as identified in the supervisory agreement, the supervisee shall submit a new supervisory agreement which sets forth the information required by subsection (1) of this section and which identifies the new supervisor of record.

~~(2)~~<sup>(2)</sup> The supervisory agreement shall be approved by the board before the licensed professional counselor associate begins the practice of professional counseling.

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Section 5. Experience Under Supervision. (1) Experience under supervision shall consist of: ~~(4)~~ Direct responsibility for a specific individual or group of clients; and

~~(b)(2)~~ Broad exposure and opportunity for skill enhancement with a variety of developmental issues, dysfunctions, diagnoses, acuity levels, and population groups.

~~(2) The board may, in its discretion for extenuating circumstances beyond the supervisor's or supervisee's control, grant a limited waiver from the requirement of one monthly direct in person meeting to satisfy the face-to-face supervision requirements upon written request by the supervisor and supervisee.~~

Section 6. Supervision Requirements. (1) Supervision shall relate specifically to the qualifying experience and shall focus on:

(a) The appropriate diagnosis of a client problem leading to proficiency in applying professionally recognized clinical nomenclature;

(b) The development and modification of the treatment plan;

(c) The development of treatment skills suitable to each phase of the therapeutic process;

(d) Ethical problems in the practice of professional counseling; and

(e) The development and use of the professional self in the therapeutic process.

(2) A supervisee shall not continue to practice professional counseling if:

(a) The conditions for supervision set forth in the supervisory agreement required by Section 4 of this administrative regulation are not followed; or

(b) The supervisory agreement is terminated for any reason.

(3) If the terms of the supervisory agreement are not being met by the supervisee, the supervisor shall immediately notify this board in writing.

(4) The supervisor and supervisee shall sign and file with the board a Semi-Annual Report Form with their renewal application and by April 1st of each year.

Section 7. Evaluation by Board. The period of supervised experience required by KRS 335.525(1)(e) shall be evaluated by the board according to one (1) of the following methods:

(1) A candidate who seeks to obtain experience in the Commonwealth of Kentucky shall submit the supervisory agreement required by Section 4 of this administrative regulation for the experience prior to beginning to accrue the required experience; or

(2) A candidate who obtained the experience in another state shall submit documentation of the hours of supervision with the Application for Licensed Professional Clinical Counselor and Licensing Via Endorsement for Reciprocity ~~Counselor and Associate~~ required by 201 KAR 36:070. The documentation shall also:

(a) Provide information that verifies that the requirements for the license or certificate of the supervisor from the state in which the license or certificate was held are substantially equivalent to the requirements for that license or certificate in Kentucky;

(b) Provide information that verifies that the supervisor is in good standing with the certifying or licensing state; and

(c) Demonstrate that the practice and supervision requirements in the state from which the candidate is applying are substantially equivalent to the requirements established under this administrative regulation.

Section 8. Temporary Supervision. (1) In extenuating circumstances, if a licensed professional counselor associate is without supervision, the associate may continue working up to sixty (60) calendar days under the supervision of a qualified mental health provider while an appropriate board-approved supervisor is sought and a new supervision contract is submitted to the board. Extenuating circumstances include situations such as death or serious illness of the board-approved supervisor, a leave of absence by the supervisor, or the termination of the supervisor's employment.

(2)(a) Within ten (10) days of the occurrence, the supervisee shall notify the board of the extenuating circumstances which have caused the supervisee to require temporary supervision.

(b) The supervisee shall submit, in writing, a plan for resolution

of the situation within thirty (30) calendar days of the change in status of board-approved supervision.

(c) The written plan shall include:

1. The name of the temporary supervisor;

2. Verification of the credential held by the temporary supervisor;

3. An email address and a postal address for the temporary supervisor and the supervisee; and

4. A telephone number for the temporary supervisor.

Section 9. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "LPCA Supervisory Agreement", March 2010; and

(b) "Counseling Associate Semi-Annual Report", October 2011. ~~"LPCA Supervisory Agreement", established March 2010, is incorporated by reference.~~

~~(2) "Counseling Associate Semi-Annual Report", established October 2011, is incorporated by reference.]~~

(2)(3)] This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Licensed Professional Counselors, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30(5) p.m.

TIMOTHY ROBERTS, Chair

APPROVED BY AGENCY: September 16, 2011

FILED WITH LRC: October 14, 2011 at 9 a.m.

CONTACT PERSON: Shannon Tivitt, Director, Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40602. phone (502) 564-3296, fax (502) 564-4818.

### GENERAL GOVERNMENT CABINET Kentucky Board Of Licensed Professional Counselors (As Amended at ARRS, February 13, 2012)

#### 201 KAR 36:070. Education and examination requirements.

RELATES TO: KRS 335.525(1)(c), (d), ~~(and)~~ (f), 335.527(1)(a)

STATUTORY AUTHORITY: KRS 335.515(1), (3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 335.525(1)(c) requires that applicants for licensure shall have received a master's or doctoral degree in counseling or a related field from a regionally-accredited institution. KRS 335.525(1)(d) requires that applicants for licensure shall have sixty (60) graduate semester hours in specified areas. KRS 335.525(1)(f) requires that applicants achieve passing scores on the examination required by the Board. This administrative regulation establishes the educational and examination requirements for licensure.

Section 1. (1) Degree in counseling.

~~(a)] To qualify as a degree in counseling under KRS 335.525(1)(c), a degree shall:~~

(a)[1-] Clearly indicate that it is a degree in counseling from a counseling program as evidenced by the description in the program's[its] catalogues and brochures outlining the intent to educate and train the individual for the practice of professional counseling as defined in KRS 335.500(5);:]

(b)[2-] Include the word "counseling" in the name of the degree, the academic program of study, or the major field of study;

(c)[3-] Be from a counseling program that stands as a recognizable organizational entity within the institution and has a counseling faculty who identify with the professional[clinical] counseling profession; and

(d)[4-] Include practicum or internship experience of at least 600 hours in a counseling program that stands as a recognizable organizational entity within the institution and which has a counseling faculty who identify with the professional counseling profession [or that is primarily counseling in nature].

(2) Degree in a related field.

(a) To qualify as a degree in a related field under KRS 335.525(1)(c), a degree shall:

1. Be awarded from an academic program of study for the degree that follows an organized sequence of graduate coursework with at least one course in a minimum of seven (7) of the nine

(9) content areas established in KRS 335.525(1)(d):

2. Include a three (3) semester hour course, at the minimum, on Professional Orientation and Ethics that has as its concentration the American Counseling Association Code of Ethics; and

3. Include practicum or internship experience of at least 600 hours in a counseling program that stands as a recognizable or organizational entity within the institution and which has a counseling faculty who identify with the **professional** counseling profession ~~[or that is primarily counseling in nature].~~

(b) The degree shall be designed to educate and train the individual for the practice of professional counseling as defined by KRS 335.500(5). ~~[In accordance with KRS 335.525(1)(c), an applicant shall be deemed to have a degree in:~~

(a) Counseling if the applicant has completed an academic program of study where the name of the program or the major field of study contains the word "counseling"; or

(b) A related field if the applicant has completed an academic program of study that includes an organized sequence of graduate coursework in a minimum of five (5) of the nine (9) content areas established in KRS 335.525(1)(d).]

(3) Examples of degrees that shall not be accepted as a degree in counseling or a degree in a related field for purposes of licensure include a degree in Clinical Psychology, Social Work, Criminal Justice, or Special Education.

(4)(2) If an applicant proffers a degree in a related field, the applicant shall also provide evidence of additional graduate coursework in each area listed in KRS 335.525(1)(d)1-9 that is not included in the applicant's degree. The coursework in the degree program, in addition to the other coursework, shall demonstrate that the applicant has documented coursework in all nine (9) of the content areas listed in KRS 335.525(1)(d).

Section 2. All coursework submitted for licensure shall be from a regionally accredited educational institution which is accredited by any one (1) of the following: Southern Association of Colleges and Schools, Middle States Association of Colleges and Schools, New England Association of Colleges and Schools, North Central Association of Colleges and Schools, North Western Association of Schools and Colleges, and Western Association of Schools and Colleges. ~~[(1) Except as provided by subsection (2) of this section, the practicum or internship required by KRS 335.525(1)(e) shall be completed within the organized sequence of study of the graduate degree of the applicant.~~

~~(2) If the degree held by the applicant did not include a 400 hour practicum or internship, the applicant shall have completed a graduate level practicum or internship at a regionally accredited university or college under the direction of a qualified graduate faculty member.]~~

Section 3. Examination. Applicants for licensure as a Licensed Professional Clinical Counselor shall obtain a passing score on the National Counselor Examination for Licensure and Certification (NCE) or the National Clinical Mental Health Counseling Examination (NCMHCE).

Section 4. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Instructions for Completion of Application for a Licensed Professional Counselor Associate (LPCA)", **November 2008**;

(b) "Instructions for Completion of Application for Licensed Professional Counselor (LPCC)", **November 2008**; and]

(c) "Application for Licensed Professional Clinical Counselor [and Associate] and Licensing Via Endorsement for Reciprocity", October 2011["; and

(d) "Application for Licensed Professional Counselor Associate", ["October 2011.["]

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

TIMOTHY ROBERTS, Chair

APPROVED BY AGENCY: September 16, 2011

FILED WITH LRC: October 14, 2011 at 9 a.m.

CONTACT PERSON: Shannon Tivitt, Director, Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40602. phone (502) 564-3296, fax (502) 564-4818.

**TOURISM, ARTS AND HERITAGE CABINET**  
**Department of Fish and Wildlife Resources**  
**(As Amended at ARRS, February 13, 2012)**

**301 KAR 6:040. Zoning or marking of waterways.**

RELATES TO: KRS 235.285, 235.310, 235.315, 33, 33 C.F.R. Part 329 [C.F.R. 1, Subpart 66.10-1]

STATUTORY AUTHORITY: KRS 235.280, 33 C.F.R. 1, Subpart 66.10

NECESSITY, FUNCTION, AND CONFORMITY: KRS 235.280 authorizes the department to promulgate administrative regulations to govern the fair, reasonable, equitable, and safe use of Kentucky waters. This administrative regulation establishes the methods used to mark waterways in conformity with 33 C.F.R. 1, subpart 66.10 [66.10-1] and restricts certain boating activities on some Kentucky waters.

Section 1. **Definitions**~~[Definition]~~. (1) "Navigable waters" means a navigable waterway as defined by 33 C.F.R. Part 329.

(2) "Non-navigable" means all waters not defined by subsection 1 of this section.

(3) "Recreational vessel" means a vessel that is not documented as commercial by the U.S. Coast Guard.

Section 2. **General Requirements**. (1) A person~~[Persons]~~ shall not zone, or place buoys or signs:

(a)~~[(4)]~~ On non-navigable~~[nonnavigable]~~ waters without first obtaining written approval from the department.

(b)~~[(2)]~~ On navigable waters without first obtaining written approval from the department with concurrence by:

1.~~[(a)]~~ The United States Coast Guard;

2.~~[(b)]~~ The United States Army Corps of Engineers; or

3.~~[(c)]~~ The Tennessee Valley Authority.

(2) A person shall not moor a vessel to a buoy or navigational aid that is~~[Section 2. Persons shall not moor a vessel to a buoy or navigational aid]~~ not specifically designated as a mooring device.

Section 3. **Zoned Waterways**. (1) On Herrington Lake, a person~~[persons]~~ shall not:

(a) Ski except along the main lake channel; ~~or~~~~[channel.]~~

(b) Operate a motorboat at greater than idle speed in inlets;~~[motorboats at greater than idle speed in inlets.]~~

(2) A person~~[Persons]~~ shall not ski on the Big Sandy River.

(3) A person, between the Second Street Bridge and the McAlpine Dam on the Ohio River;~~[Between the Second Street Bridge and McAlpine Dam on the Ohio River, persons:]~~

(a) Shall not operate recreational vessels except:

1. To lock through the McAlpine Dam; or

2. To dock at the Louisville Municipal Wharf.

(b) Shall remain within the confines of the commercial channel.

(4) A person shall not operate a motorboat at faster ~~than~~~~[Persons shall not operate motorboats at faster than at]~~ idle speed on the Salt River in Mercer County.

(5) A person, between the Brent Spence Bridge and the Daniel Carter Bear Bridge on the Ohio River;~~[Between the Brent Spence Bridge and the Daniel Carter Beard Bridge on the Ohio River, persons]~~ shall not:

(a) Operate a recreational vessel at greater than idle speed during the period from sunset to sunrise;

(b) Operate a recreational vessel at greater than idle speed within 300 feet of any:

1. Marina;

2. Boat docking facility;

3. Boat gasoline dock;

4. Launch ramp;

5. Recreational boat harbor; or

6. Harbor entrance;~~[.]~~~~[any marina, boat docking facility, boat~~

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gasoline dock, launch ramp, recreational boat harbor, or harbor entrance;]

- (c) Pull or tow any individual outside of the recreational vessel for a recreational purpose; or
- (d) While operating a personal watercraft:
1. Jump the wake of another watercraft;
  2. Perform abrupt turns; or
  3. Engage in similar acrobatic maneuvers.

Section 4. Flotation devices near locks and dams. (1) A person shall not operate a vessel within an area designated or appropriately marked as a hazardous area below any lock or dam, unless each person aboard is wearing a U.S. Coast Guard approved flotation device of:

- (a) Type I;  
(b) Type II;  
(c) Type III; or  
(d) Type V.

(2) On the Kentucky River, a person shall not operate a vessel within 150 feet below any dam or within a designated or appropriately marked hazardous area, unless each person aboard is wearing a U.S. Coast Guard approved flotation device of:

- (a) Type I;  
(b) Type II;  
(c) Type III; or  
(d) Type V.

Section 5. **33 C.F.R. 1, Subpart 66.10**, [4-33 C.F.R. 1, Subpart 66.10-5 to 66.10-45,] governing the uniform placement and characteristics of navigational and regulatory markers, is adopted without change.

BENJY KINMAN, Deputy Commissioner,

For DR. JONATHAN GASSETT, Commissioner

MARCHETA SPARROW, Secretary

APPROVED BY AGENCY: December 8, 2011

FILED WITH LRC: December 15, 2011 at 10 a.m.

CONTACT PERSON: Rose Mack, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400, fax (502) 564-9136, email [fwpubliccomments@ky.gov](mailto:fwpubliccomments@ky.gov).

**GENERAL GOVERNMENT**

**Department of Agriculture**

**Office of State Veterinarian Division of Animal Health  
(As Amended at ARRS, February 13, 2012)**

**302 KAR 20:052, Animal Carcass Composting.**

RELATES TO: KRS 257.010, 257.160(1)-(2)

STATUTORY AUTHORITY: KRS 257.160(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 257.160(3) authorizes the State Board of Agriculture to promulgate administrative regulations to implement KRS 257.160. KRS 257.160(1)(f) allows disposal of animal carcasses by composting if the disposal is performed in an approved facility and according to the board's administrative regulations. This administrative regulation establishes required procedures for animal carcass composting.

Section 1. Definitions. (1) "Agriculture operation" is defined by KRS 224.71-100(1).

(2) "Animal" means fish and any member of the equine, ovine, bovine, porcine, [feline, canine,] caprine, [lapin,] bison, cervidae, camelid[camalid], ratite, and avian species.

(3)[(2)] "Compost" is defined by KRS 257.010(6)[(5)].

(4)[(3)] "Owner" is defined by KRS 257.010(14)[(42)].

Section 2. **Registration** [Permit] Required. (1) Except as provided in subsection (5) of this section, all persons or entities operating a composting facility shall register with the State Veterinarian. [The State Veterinarian shall issue permits for animal composting facilities. The cost of the permit shall be twenty-five (25) dollars

per year. The permit shall be renewed at five (5) year intervals.]

(2) ~~Registration~~[A permit application] shall include the name and address of the compost owner, the location of the composting facilities, and a description of the facilities [and composting procedure].

(3) All animal composting facilities shall be subject to inspection by the State Veterinarian or his representative.

(4) Any animal carcasses not composted shall be disposed of in a manner consistent with KRS 257.160.

(5) Registration of composting facilities shall not be required for an agriculture operation, if composting is not for a commercial purpose.

Section 3. **Composting**[Permitted] Facilities. (1) All composting[Permitted] facilities shall be constructed to meet:

(a) Guidelines established by the University of Kentucky College of Agriculture Cooperative Extension Service publication "On-Farm Composting of Animal Mortalities: ID-166"; and

(b) The requirements of the Kentucky Agriculture Water Quality Plan.

(2) All processing of dead animals shall be done within the composting[permitted] facility. ~~[(3) Dead animals to be composted shall be temporarily stored indoors on floors constructed of concrete or soil-cement as identified in the University of Kentucky College of Agriculture Cooperative Extension Service publication "Using Soil-Cement on Horse and Livestock Farms: ID-176".]~~

~~(3)[(4)]~~ Hazardous materials shall not be used in the composting procedure.

~~(4)[(5)]~~ Reasonable and cost-effective efforts shall be taken to prevent odor, insects, and pests. All carcasses shall be inaccessible to scavengers, livestock, and live poultry.

~~(5)[(6)]~~ Ruminant animals may have the rumen vented prior to composting.

Section 4. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) University of Kentucky College of Agriculture Cooperative Extension Service publication "On-Farm Composting of Animal Mortalities: ID-166", 2-2008; and

(b) Kentucky Agriculture Water Quality Plan (October 1996, revised May 1999); and

~~(c) University of Kentucky College of Agriculture Cooperative Extension Service publication "Using Soil-Cement on Horse and Livestock Farms: ID-176", 8-2009].~~

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Agriculture, Division of Animal Health, 100 Fair Oaks, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

RICHIE FARMER, Commissioner

APPROVED BY AGENCY: November 10, 2011

FILED WITH LRC: November 10, 2011 at 11 a.m.

CONTACT PERSON: Clint Quarles, Staff Attorney, Kentucky Department of Agriculture, 500 Mero Street, 7th Floor, Frankfort Kentucky 40601, phone (502) 564-1155, fax (502) 564-2133.

**JUSTICE AND PUBLIC SAFETY CABINET**

**Department of Criminal Justice Training**

**(As Amended at ARRS, February 13, 2012)**

**503 KAR 3:040. Telecommunications (Public Safety Dispatch) Academy[academy] trainee requirements; misconduct; penalties; discipline procedures.**

RELATES TO: KRS 15.530-15.590

STATUTORY AUTHORITY: KRS ~~[45.590,]~~ 15A.070(1), (5)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15A.070(1) requires the Department of Criminal Justice Training to establish, supervise, and coordinate training programs and schools for law enforcement personnel. KRS 15A.070(5) authorizes the commissioner to promulgate administrative regulations. This administrative regulation establishes conduct requirements of trainees attending the telecommunications(public safety dispatch)

academy conducted by the Department of Criminal Justice Training, procedures for disciplinary action, and penalties for violations of conduct requirements.

Section 1. Uniforms and Criminal History Records Check Required. (1) A trainee shall wear a uniform, approved by the department, while participating in the[telecommunications] academy.

(2) The required uniform shall consist of:

(a) Men:

1. Polo shirt with DOCJT logo, supplied by the department;
2. Solid black dress pants with belt loops. Cargo pants or low-cut pants shall not be worn;
3. Black belt;
4. Black socks above the ankles. Footies shall not be worn; and
5. Black, plain-toe, dress shoes. Athletic shoes shall not be worn with the uniform.

(b) Women:

1. Polo shirt with DOCJT logo, supplied by the department;
2. Solid black dress pants with belt loops or knee-length skirt. Cargo pants or low-cut pants shall not be worn;[:]
3. Black belt;
4. Black socks or hose above the ankles. Footies or anklets shall not be worn; and
5. Black, plain, closed-toe, dress shoes. Athletic shoes shall not be worn with the uniform.

(3) The following may be worn with the uniform:

(a) A dark blue or black jacket or sweater;[Dress jacket or sport coat, solid gray or dark blue is recommended; and]

(b) A black undershirt or turtleneck; and

(c) The Department of Criminal Justice Training cap.

(4) The trainee's employing agency shall submit a letter to the department that:

(a) A criminal history check, in accordance with 503 KAR 1:140, Section 4(1)(f) and (2), has been conducted within ninety (90) days before the trainee attends the[Telecommunications] Academy; and

(b) The trainee is not prohibited by state or federal law from accessing the Criminal Justice Information System (CJIS) or any other restricted records database.

(5) If the criminal history check required by KRS 15.540(1)(c) has been performed within ninety (90) days before the trainee arrives for the [Telecommunications] Academy, an additional criminal records check shall not be required of the employing agency.

Section 2. Removing a Trainee from the Academy. (1) Unqualified trainee. If a trainee does not meet the law enforcement telecommunicator qualifications in KRS 15.540, he shall:

(a) Be removed from the academy by the:

1. Director;
  2. Branch manager; or
  3. Section supervisor; and
- (b) Not receive credit for completed portions of academy training.

(2) If a trainee is removed from the academy, pursuant to subsection (1) of this section, within thirty (30) days of the removal, he may request in writing an administrative hearing, which shall comply with KRS Chapter 13B.

(3) Agency request. The department shall remove a trainee from the academy upon written request of the trainee's law enforcement agency. The trainee shall not receive credit for completed portions of academy training.

Section 3. Gifts. A gift from trainees to department staff shall conform with KRS Chapter 11A, the executive branch code of ethics.

Section 4. Penalties for Misconduct. (1) The following penalties shall apply to a trainee's failure to meet conduct or honor code requirements of the department. The penalties are listed in order of decreasing severity.

(a) Expulsion. The trainee is dismissed from the academy, and all privileges are terminated.

(b) Suspension. The trainee is suspended from the academy

for a specified period of time; all privileges are rescinded during the suspension period.

(c) Loss of privileges. The trainee's privileges as specified in the imposed penalty are rescinded for a stated period of time. The trainee's participation in academy activities is not affected.

(d) Written reprimand. The trainee is reprimanded in writing for violating a conduct or honor code requirement.

(e) Verbal warning. The trainee is warned verbally that he has violated a conduct or honor code requirement.

(2) Second and subsequent violations.

(a) If a trainee has received a penalty for violating a conduct or honor code requirement, upon a second violation of any conduct or honor code requirement the next higher penalty shall be added to the list of penalties which may be imposed for the second violation.

(b) If a trainee has previously received two (2) penalties for violating two (2) conduct or honor code requirements, upon a third or subsequent violation of any conduct or honor code requirement the next two (2) higher penalties shall be added to the list of penalties which may be imposed for the third or subsequent violation.

(3) Giving notice of disciplinary action to trainee and trainee's agency. The department shall give written notice to a trainee of any penalty imposed upon him. The trainee's agency shall be given written notice of any penalty imposed upon the trainee[~~except a verbal warning, and shall be given verbal notice if a trainee has been charged with a violation of a conduct or honor code requirement and has requested a hearing~~].

(4) Penalty records.

(a) The department shall keep a written record of a penalty imposed on a trainee by placing it in the trainee's file.

(b) Except if required by law, a trainee's training file shall not be available for access except by:

1. The department;
2. The trainee; or
3. The trainee's agency head.

Section 5. Termination of Dangerous or Disruptive Situation. If the conduct or condition of a trainee constitutes an immediate danger or an immediate threat of danger to self or others, or is disruptive of, or is an immediate threat to be disruptive of a department activity, a department staff member may take all reasonable steps necessary to terminate the situation.

Section 6. Conduct Requirements. A trainee attending the[telecommunications] academy shall meet the following conduct requirements:

(1) General conduct - chain of command. All communications shall follow chain of command of the department. Exceptions are the unavailability of a supervisor, or the trainee's complaint regarding a supervisor. Penalty: verbal warning or written reprimand.

(2) General conduct - insubordination. A trainee shall:

(a) Obey a lawful order from a department staff member. Penalty: verbal warning, written reprimand, loss of privileges, or suspension.

(b) Refrain from vulgarity, rudeness, confrontation, or other disrespectful conduct directed toward a department staff member, trainee, or other department trainee or guest. Penalty: verbal warning, written reprimand, or suspension.

(3) General conduct - grooming.

(a) A male trainee:

1. Shall be clean shaven with sideburns no longer than the bottom of the ear lobe;
2. May wear a mustache if he had it upon arrival and keeps it neatly trimmed; and
3. Shall not wear a beard unless he receives permission from the department, based upon:
  - a. A written request from the trainee's agency; and
  - b. A showing of good cause.

(b) A trainee's hair, male or female, shall:

1. Not be unkempt; and
2. Be kept above the collar.

(c) A trainee shall:

1. Practice good hygiene at all times; and
2. Not wear excess perfume, cologne, or other scented body products.

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(d) Penalty: verbal warning or written reprimand.

(4) General conduct - alcoholic beverages and other intoxicants.

(a) A trainee shall not possess, consume, nor be under the influence of alcoholic beverages, controlled substances, or other intoxicating substances not therapeutically prescribed by a physician or a qualified medical professional while enrolled in the [a telecommunications] academy. Penalty: written reprimand, loss of privileges, suspension, or expulsion.

(b) If a trainee has taken a controlled substance as prescribed by a physician or has taken any other medication, whether prescribed or not, he shall not participate in any academy activity if he is under the influence thereof to the extent that the trainee may be impaired or may endanger himself or other persons or property. A trainee shall advise the class coordinator or the section supervisor in writing of the use of a controlled substance or medication whether or not it has been prescribed by a physician or a qualified medical professional. Penalty: verbal warning, written reprimand, or suspension.

(c) Confiscation.

1. If a dormitory staff member, department instructor, section supervisor, [or] branch manager, or other department[departmental] staff observes an unlawfully-possessed intoxicating substance, he shall immediately confiscate it.

2. A confiscated item shall be stored in a secure facility of the department until the item is [returned to the trainee at the completion of the academy, or] disposed of by the department.

(5) General conduct - weapons and other dangerous devices.

(a) A trainee shall not possess deadly weapons (as defined in KRS 500.080), ammunition, destructive devices (as defined in KRS 237.030), [or] booby trap devices (as defined in KRS 237.030), hazardous substances (as defined in KRS 224.01-400), fireworks, knives (except an ordinary pocketknife), or instruments used by law enforcement for control purposes (such as batons, stun guns, Mace, and pepper spray) on property used by the department except under circumstances specifically authorized by the department. Penalty: verbal warning, written reprimand, loss of privileges, suspension, or expulsion.

(b) Confiscation.

1. If a dormitory staff member, department instructor, section supervisor, branch manager, director, or commissioner observes an unlawfully-possessed weapon or other dangerous device, he shall immediately confiscate it.

2. Confiscated items shall be stored in a safe and secure facility of the department pending appropriate disposition.

(6) General conduct - department property.

(a) A trainee shall not damage, destroy, fail to return, or be wasteful of property of the department or any other facility used by the department. Penalty: verbal warning, written reprimand, loss of privileges, suspension, or expulsion.

(b) A trainee shall not have successfully completed the [telecommunications] academy, and shall not be allowed to graduate until he has returned all issued items or made satisfactory arrangements to pay for unreturned or damaged items.

(7) General conduct - conduct unbecoming a trainee. A trainee shall not:

(a) Engage in criminal activity, including acts which would constitute a felony, misdemeanor or violation, while enrolled in the [telecommunications] academy. Depending on the nature of the conduct, the trainee shall be penalized by a verbal warning, written reprimand, loss of privileges, suspension, or expulsion.

(b) Engage in conduct which creates a danger or risk of danger to the trainee or another, possess obscene material as defined in KRS 531.010, engage in conduct which is unreasonably annoying, engage in fighting, engage[or] in violent, tumultuous or threatening conduct, or engage in sexual harassment or conduct which is patently offensive. Penalty: verbal warning, written reprimand, loss of privileges, or expulsion.

(c) Engage in conduct which violates an Eastern Kentucky University policy or rule. The location of the policies and rules shall be provided to each trainee at the beginning of the academy training. Penalty: verbal warning, written reprimand, loss of privileges, or probation.

(8) Academy activities - uniforms.

(a) A trainee shall wear the uniform required by Section 1 of this administrative regulation. Penalty: verbal warning or written reprimand.

(b) Uniforms shall be clean, pressed, and in good condition. Penalty: verbal warning or written reprimand.

(c) A name tag, provided by the department, shall be worn on the right[left] shirt breast. Penalty: verbal warning or written reprimand.

(d) Sleeves on long-sleeved shirts shall not be rolled up. Penalty: verbal warning or written reprimand.

(e) Additional clothing may be worn during an academy activity if authorized by the instructor.

(9) Academy activities - absences.

(a) A trainee shall be considered absent if he is not physically present in a class or other required department activity for more than ten (10) minutes. A trainee shall be considered tardy if he is not physically present at a class or other required department activity for fewer than ten (10) minutes. A trainee shall give advance notice of an absence if possible. Penalty: verbal warning or written reprimand.

(b) An absence shall be excused if the trainee was absent due to:

1. Illness;
2. Illness of an immediate family member;
3. Death of an immediate family member;
4. Necessity of trainee's agency; or
5. Emergency circumstances.

(c) An absence from the [telecommunications] academy shall be approved by the section supervisor or branch manager.

(d) If a trainee's absence is excused, he shall make up for the absence by completing an assignment provided by the instructor who taught the missed unit. Failure to make up the work shall be deemed a failure for that academy area.

(e) If a trainee's absence is excused and he or she misses more than ten (10) percent of the total hours of the academy, the trainee shall be withdrawn from the academy and reenrolled in a subsequent class beginning at the point at which the trainee was absent. The time period for reenrollment in a subsequent class shall not exceed six (6) months from the date of the class from which the trainee was withdrawn.

(f) If a trainee's absence is unexcused and he or she misses more than ten (10) percent of the total hours of the academy, the trainee shall be withdrawn from the academy and receive no credit for completed training.

(10) Academy activities - breaks. Trainees shall be allowed a ten (10) minute break per hour of instruction, if possible. A trainee shall not take a break in an area restricted by the department. Penalty: verbal warning or written reprimand.

(11) Academy activities - general conduct.

(a) A trainee shall be attentive during academy activities. Penalty: verbal warning or written reprimand.

(b) A trainee shall not possess any electronic devices during scheduled training hours unless written permission is granted by the class coordinator. Electronic devices shall include cellular telephones, mp3-type audio players, cameras, and recording devices. Penalty: verbal warning or written reprimand.

(c) A trainee shall not use tobacco products during, or bring food or drink into an[a] academy activity unless so permitted by the branch manager, training director, or commissioner. Penalty: verbal warning or written reprimand.

(d) A trainee shall not engage in conduct which creates or may create a risk of injury to others [during a training session].

(12) Academy activities - dishonesty. A trainee shall not cheat or attempt to cheat on a test or on any other assignment or activity; or alter or attempt to alter a test grade or other evaluation result; or engage in any other conduct intended to gain an undeserved evaluation for himself or another. Penalty: verbal warning, written reprimand, loss of privileges, suspension, or expulsion.

(13) Residence hall.

(a) During the [telecommunications] academy a trainee shall reside in the residence hall designated by the department.

(b) A trainee shall return to his residence hall at curfew times designated by the commissioner, Sunday through Thursday evenings, and remain there until 5 a.m. the next morning. Exceptions

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shall be approved by the class coordinator and reported in writing through channels to the director. Penalty: verbal warning, written reprimand, or loss of privileges.

(c) A trainee shall observe "lights out" by 11:30 p.m. Sunday through Thursday except on nights prior to an academic test when the time shall be extended to 12 midnight. Penalty: verbal warning or written reprimand.

(d) Each trainee shall be responsible for cleaning his area. Each morning, prior to leaving for class training, a trainee shall ensure his room is clean and free of trash, with beds made and the room ready for inspection. Penalty: verbal warning, written reprimand, or loss of privileges.

(e) Doors shall be locked whenever a room is unoccupied. Penalty: verbal warning or written reprimand.

(f) The use of hot plates is prohibited. Penalty: verbal warning, written reprimand, or loss of privileges.

(g) All residence hall rooms, closets, and containers therein may be inspected by department staff for purposes of safety, sanitation, and rule violations.

(h) A trainee residing at the residence hall shall not:

1. Have any person of the opposite sex in his room without the permission of the department. Penalty: verbal warning, written reprimand, loss of privileges, or suspension.

2. Have a visitor in his room after 9 p.m. Penalty: verbal warning, ~~or~~ written reprimand, or loss of privileges.

3. Keep pets, animals, or birds of any kind in his room. Penalty: verbal warning, written reprimand, or loss of privileges.

4. Engage in dangerous, disruptive, immoral, or obscene behavior. Penalty: verbal warning, written reprimand, loss of privileges, or suspension.

Section 7. Honor Code. (1) The trainee shall abide by the provisions of the honor code which reads as follows: We are a dynamic team of individuals who possess a wide array of talent and strengths. In order for our team to grow and be successful, we will respect the leadership of the agency and follow directives to the best of our ability. We will make sacrifices for the benefit of the team. We will practice humility and show a spirit of compromise. As trainees of the Department of Criminal Justice Training, Telecommunications (Public Safety Dispatch) Academy, we will not lie, steal or cheat nor tolerate any among us who do. We will keep our private lives honorable as an example to all. We will be exemplary in obeying the laws of the Commonwealth and the administrative regulations of the Department of Criminal Justice Training. Whatever we see or hear of a confidential nature or confided to us in our official capacity shall be kept confidential unless revelation is necessary in the performance of duty. We will never allow personal feelings, prejudices, ill will, or friendships to influence our decisions. We know that each of us is individually responsible for standards of professional performance. Therefore, we will make the utmost effort to improve our level of knowledge and competence. We recognize the badge of our office as a symbol of public faith and accept it as a public trust to be held so long as we are true to the ethics of public safety. We will constantly strive to achieve these ideals, dedicating ourselves to our chosen profession - public safety.

(2) The penalty for violating the honor code shall be: verbal warning, written reprimand, loss of privileges, suspension, or expulsion.

~~(3) [The instructional staff shall select an honor code representative and a class leader during the first week of the academy.]~~

~~(4) [All trainees shall report honor code violations to the class coordinator [honor code representative who shall report the offense to the class coordinator. The representative shall recommend the penalty to be imposed for the violation].]~~

~~(4) [(5)]~~ All disciplinary procedures contained in this administrative regulation shall apply to the honor code violation. The department may pursue separately any additional offenses discovered during the investigation of the honor code violation.

Section 8. Department's Responsibilities to Trainee's Agency. In order to keep the agency advised of the trainee's progress and performance in the ~~telecommunications~~ academy so that the agency may adequately assess the trainee's ability to perform

required duties, the department shall provide the following to the police chief, sheriff, or chief administrator of the trainee's agency:

(1) Trainee performance report which shall be completed at the completion of the academy and shall include trainee conduct, demonstrated leadership abilities, examination scores, and overall effort on performance, observed social/interpersonal skills, and appearance.

(2) Immediate notice of specific nonperformance, misconduct, or lack of progress.

(3) Immediate notice of any off-campus activity which reflects negatively on the profession, including the following:

(a) Parking an agency-owned or assigned vehicle at a:

1. Bar;

2. Tavern;

3. Lounge;

4. Nightclub; or

5. Other establishment with the primary purpose of serving alcoholic beverages;

(b) Disorderly conduct;

(c) Speeding; or

(d) Other behavior that gives rise to a ~~citizen's~~ complaint by a citizen, student, or department [departmental] staff member.

Section 9. Summary Discipline. Except for summary discipline, a penalty shall not be imposed upon a trainee unless charges have first been brought by the legal officer. (1) The following department staff members shall have the authority to impose the specified penalties summarily without meeting the requirements of the formal disciplinary procedures provided by Sections 10 through 15 of this administrative regulation. To have the authority to impose summary discipline, the staff member shall believe by a preponderance of the evidence that the trainee has engaged in the misconduct.

(a) A department instructor may summarily impose a verbal warning.

(b) The section supervisor, branch manager, director, or commissioner may summarily impose a verbal warning, written reprimand, or loss of privileges.

(2) Before imposing a penalty summarily, the staff member shall give the trainee the opportunity to give an explanation.

(3) A summarily imposed penalty shall be reviewed by, and may be rescinded or modified by, the immediate supervisor of the staff member imposing the penalty. The reviewer shall provide the trainee with the opportunity to give an explanation.

Section 10. Removal From the Academy Pending an Initial Appearance Before the Commissioner. (1) If a request for charges is filed against a trainee, the commissioner or director may remove the trainee from some or all training until the trainee's initial appearance before the commissioner if he has reasonable grounds to believe the alleged misconduct took place and:

(a) He has reasonable suspicion to believe the trainee would be dangerous or disruptive if not removed; or

(b) The trainee may be charged with misconduct serious enough to authorize expulsion.

(2) A trainee who has been removed from the academy pending an initial appearance before the commissioner shall be provided the initial appearance within three (3) training days of the removal.

Section 11. Complaint. Anyone having reasonable grounds for believing that a trainee has violated a conduct or honor code requirement identified in this administrative regulation may file a complaint with the section supervisor. This complaint shall be in writing setting forth the facts upon which the complaint is based.

Section 12. Investigation by Section Supervisor. (1) If the section supervisor receives a complaint of a witness's apparent misconduct, he shall take statements and otherwise investigate the matter.

(2) After investigating the matter, the section supervisor shall:

(a) Take no action if none is justified by the evidence;

(b) Impose appropriate summary discipline; or

(c) File, with the legal officer, a written request that charges be brought against the trainee. The request for charges shall describe



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the alleged misconduct and designate the specific conduct requirements violated. All pertinent evidence and documents including the complaint, and statements of the trainee and witnesses shall be forwarded to the legal officer.

Section 13. Review by Legal Officer; Placing Charges. (1) The legal officer shall review the request for charges and the supporting evidence and documents.

(2) The legal officer may make or cause further inquiry into the matter for additional information.

(3) The legal officer shall either:

(a) File any charges against the trainee as he believes are justified by the evidence; or

(b) Deny the request for charges if the evidence does not support any charges. If the legal officer declines to file charges, he shall provide the commissioner with a statement of his reasons for not filing charges.

(4) The charging document shall:

(a) Be in writing;

(b) Particularly describe the alleged misconduct so as to reasonably inform the trainee of the nature of the allegation;

(c) State the time, date, and place the trainee shall make an initial appearance before the commissioner to answer the charges;

(d) Be signed by the legal officer; and

(e) Be served upon the trainee at least one (1) hour before his initial appearance before the commissioner.

Section 14. Initial Appearance Before the Commissioner. (1) The initial appearance before the commissioner shall be held no more than three (3) training days after the charges have been served on the trainee. If the trainee, after receiving proper notice, fails to appear, the commissioner may proceed in his absence and the trainee shall be notified in writing of any action taken.

(2) At the initial appearance before the commissioner:

(a) The legal officer shall:

1. Read the charges to the trainee; and

2. Explain to the trainee:

a. The charges;

b. His right to a hearing in accordance with KRS Chapter 13B; and

c. His right to be represented by legal counsel.

(b) The legal officer shall explain to the trainee the possible answers to the charges: admit the charges are true, deny the charges are true but waive a hearing, or deny the charges are true and ask for a hearing.

(c) The commissioner shall advise the trainee of the penalty which shall be imposed if the trainee admits the charges or waives a hearing.

(d) The trainee shall be requested to answer the charges.

(e) If the trainee chooses to waive his rights and admits the charges or denies the charges but waives a hearing:

1. He shall be permitted to make a statement of explanation; and

2. The commissioner shall impose a penalty.

(f) If the trainee denies the charges and requests a hearing, or refuses to answer the charges, the commissioner shall set a date for the hearing. A notice of administrative hearing as required by KRS 13B.050 shall be served on the trainee within forty-eight (48) hours of the initial appearance before the commissioner.

(3) The commissioner may remove the trainee from some or all training until the hearing if:

(a) He has reasonable grounds to believe the trainee would be dangerous or disruptive if not removed; or

(b) The trainee is charged with misconduct serious enough to authorize expulsion as a possible penalty.

Section 15. Hearing. The hearing shall be conducted in accordance with KRS Chapter 13B.

JOHN W. BIZZACK, PhD, Commissioner

APPROVED BY AGENCY: December 15, 2011

FILED WITH LRC: December 15, 2011 at 9 a.m.

CONTACT PERSON: Stephen D. Lynn, Assistant General

Counsel, Department of Criminal Justice Training, Funderburk Building, 521 Lancaster Avenue, Richmond, Kentucky 40475-3102, phone (859) 622-3073, fax (859) 622-5027.

**JUSTICE AND PUBLIC SAFETY CABINET  
Kentucky Law Enforcement Council  
(As Amended at ARRS, February 13, 2012)**

**503 KAR 3:050. Telecommunications (Public Safety Dispatch) Academy-CJIS[academy:] graduation requirements; records.**

RELATES TO: KRS 15.530, 15.550, 15.560(1), 15.565

STATUTORY AUTHORITY: KRS 15.590

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.590 authorizes the Kentucky Law Enforcement Council [requires the Commissioner of the Department of Criminal Justice Training] to promulgate administrative regulations regarding training and telecommunications practices. This administrative regulation establishes the course and graduation requirements of the Telecommunications (Public Safety Dispatch) Academy-CJIS.[Academy:]

Section 1. **Definitions.** (1)[Definition:] "Academy" means the 205[168] hour Telecommunications (Public Safety Dispatch) Academy-CJIS[Academy:] course conducted by the department of **Criminal Justice Training.**

**(2) "CJIS" is defined by KRS 15.530(1).**

Section 2. Academy Content. The academy shall consist of the following eight (8)[seven (7)] areas:

(1) Introduction to Dispatching:[Basic telecommunications;]

(2) Duties and Responsibilities:[Criminal justice information system (CJIS);]

(3) Phone procedures:[Emergency medical dispatch;]

(4) Radio procedures:[Cardiopulmonary resuscitation (CPR);]

(5) Calls for service:[Critical incidents;]

(6) Emergency medical dispatch:[Spanish for the telecommunicator; and]

(7) Criminal justice information system (CJIS); and

(8) Final Exam and Graduation.[Incident command, Homeland Security;]

Section 3. Academy Graduation Requirements. (1) To graduate from the academy, a trainee shall:

(a) Successfully complete a minimum of 205[168] hours of Kentucky Law Enforcement Council (KLEC)-approved training;

(b) Attain a passing score on all examinations for which a numerical score is assigned, as follows:

1. Minimum score on the Emergency Medical Dispatch written examination as set by the Emergency Medical Dispatch provider:[Eighty (80) percent on the Emergency Medical Dispatch written examination;]

2. Minimum score on the CPR written examination as set by the CPR provider:[Eighty (80) percent on the CPR written examination;] and

3. Seventy (70) percent on all other examinations for which a numerical score is assigned;

(c) Pass all examinations for which a pass-or-fail designation is assigned; and

(d) Successfully complete all other assignments, exercises, and projects included in the academy. After-hours assignments may be required, and shall be successfully completed in order to pass the training area for which they were assigned.

(2) A trainee shall be considered to have failed the academy if the trainee does not meet the requirements established in subsection (1) of this section.[(3) To avoid unnecessary repetition of coursework:

(a) A telecommunicator who attends the telecommunications academy and has previously successfully completed basic telecommunications or any other area of the telecommunications academy, as established in Section 2 of this administrative regulation, shall:

1. Receive credit for that training area; and



2. Not be required to repeat that training area of the telecommunications academy; and

(b) The Commissioner of the Department of Criminal Justice Training may, upon written request, award a certificate of completion to a CJIS telecommunicator who has successfully completed all of the training areas that compose the telecommunications academy.]

Section 4. Reexaminations. (1) A trainee shall be permitted one (1) reexamination.

(2) A trainee who fails an examination shall not be reexamined:

(a) Earlier than twenty-four (24)[forty-eight (48)] hours from the original examination; or

(b) Later than the last scheduled day before the academy graduation.[of the telecommunications academy.]

(3) A trainee shall be considered to have failed the academy if the trainee fails a reexamination.

Section 5. Failure and Repetition of Academy. (1) A trainee who has failed an academy shall be permitted to repeat one (1) academy in its entirety during the following twelve (12) months.

(2) The trainee or his agency shall pay all fees for the repeated academy.

Section 6. Absence. (1) A trainee may have excused absences from the academy with approval of the[Professional Development] Branch Manager or Telecommunications Training Section Supervisor.

(2) An excused absence from the academy which causes a trainee to miss any of the 205[168] hours of training shall be made up through an additional training assignment.

(3) If a trainee's absence is excused and he or she misses more than ten (10) percent of the total hours of the academy, the trainee shall be withdrawn from the academy and reenrolled in a subsequent class beginning at the point at which the trainee was absent. The time period for reenrollment in a subsequent class shall not exceed six (6) months from the date of the class from which the trainee was withdrawn.

(4) If a trainee's absence is unexcused and he or she misses more than ten (10) percent of the total hours of the academy, the trainee shall be withdrawn from the academy and receive no credit for completed training.

Section 7. Circumstances Preventing Completion of the[Telecommunications] Academy. If a trainee is prevented from completing the[telecommunications] academy due to extenuating circumstances beyond the control of the trainee, including injury, illness, personal tragedy, or agency emergency, he shall be permitted to complete the unfinished areas of the academy within 180 days immediately following the termination of the extenuating circumstance, if the:

(1) Extenuating circumstance preventing completion of the academy does not last for a period of longer than one (1) year; and

(2) Failure to complete is not caused by a preexisting physical injury or preexisting physiological condition.

Section 8. Termination of Employment While Enrolled. If while enrolled in the[telecommunications] academy, a trainee's employment as a dispatcher[telecommunicator] is terminated by resignation or dismissal and he is unable to complete the academy, he may complete the remaining training within one (1) year of reemployment as a dispatcher[telecommunicator]. The trainee shall repeat the[telecommunications] academy in its entirety if:

(1) The break in employment exceeds one (1) year; or

(2) The termination of employment is a result, directly or indirectly, of disciplinary action taken by the department against the trainee while enrolled in the[telecommunications] academy.

Section 9. Maintenance of Records. All training records shall be:

(1) Available to the council and the secretary for inspection or other appropriate purposes; and

(2) Maintained in accordance with applicable standards in KRS Chapter 171.

KEITH CAIN, Chair

APPROVED BY AGENCY: December 15, 2011

FILED WITH LRC: December 15, 2011 at 9 a.m.

CONTACT PERSON: Stephen D. Lynn, Assistant General Counsel, Department of Criminal Justice Training, Funderburk Building, 521 Lancaster Avenue, Richmond, Kentucky 40475-3102, phone (859) 622-3073, fax (859) 622-5027.

**TRANSPORTATION CABINET  
Department of Vehicle Regulation  
Division of Motor Vehicle Licensing  
(As Amended at ARRS, February 13, 2012)**

**601 KAR 9:160. Surrender or reactivation of vehicle title [Surrendered title of a vehicle].**

RELATES TO: KRS 186A.215(3).[; KRS] 186A.295

STATUTORY AUTHORITY: KRS 186A.020.[;] 186A.215(4)[;]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 186A.020 authorizes the cabinet to promulgate administrative regulations necessary to carry out the provisions of KRS Chapter 186A. KRS 186A.215(4) authorizes the cabinet to promulgate an administrative regulation establishing the procedures for the transfer of a motor vehicle if[where] the transferee fails to submit the required documentation to the county clerk.[If a vehicle had been so severely damaged that it can never safely be rebuilt and can be sold only for its undamaged parts or as a source of scrap metal, the title on it is to be surrendered to the county clerk or the Transportation Cabinet pursuant to KRS 186A.295. There are times when an owner mistakenly surrenders a vehicle title. In those instances, a procedure is needed to reactivate the title to the vehicle. This administrative regulation sets forth the procedure to be followed in having a surrendered title reactivated when necessary.]This administrative regulation establishes the procedures for the transfer of a motor vehicle if[where] the transferee of the motor vehicle fails to submit the documentation as required by KRS 186A.215(3). This administrative regulation also establishes the procedures for a motor vehicle owner to reactivate a vehicle title that has been mistakenly surrendered.

Section 1. Transfer of Vehicle Ownership. (1) If the transferee of a motor vehicle fails to submit the documents required by[;in] KRS 186A.215(3) to a county clerk's office within fifteen (15) days, the transferor of the motor vehicle shall submit a signed and notarized TC Form 96-3, Affidavit of Incomplete Transfer, to his or her county clerk of residence.[;]

(2) Upon receipt of a signed and notarized TC Form 96-3, Affidavit of Incomplete Transfer, a county clerk shall enter data into the titling system to[that will] surrender the title and restrict a registration transaction on the motor vehicle until the transfer has been processed.

Section 2.[1.] Reactivation of a Surrendered Title. (1) A vehicle owner who has mistakenly surrendered a vehicle title[;] may apply to the county clerk for the reactivation of the title. The vehicle owner shall provide the following information to the county clerk's office:

(a) Name of the vehicle owner;

(b) Address of the vehicle owner;

(c) Identification number or complete description of the vehicle;

**and**

(d) Reason why the title needs to be reactivated, including a statement of how the title was mistakenly surrendered.

(2) The Transportation Cabinet shall not reactivate a title surrendered pursuant to KRS 186A.295 unless the owner of record or his or her agent is the applicant for the reactivation.

Section 3. Incorporation by Reference. (1) "Affidavit of Incomplete Transfer", TC Form 96-3, revised December[;] 2011, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Department of Vehicle

Regulation, 200 Mero Street, Frankfort, Kentucky 40622. ~~[(3)]~~ This material may also be obtained by accessing the cabinet's Web site~~[website]~~ at <http://transportation.ky.gov/>.

THOMAS O. ZAWACKI, Commissioner

MIKE HANCOCK, Secretary

APPROVED BY AGENCY: December 1, 2011

FILED WITH LRC: December 5, 2011 at 3 p.m.

CONTACT PERSON: D. Ann D'Angelo, Asst. General Counsel, Transportation Cabinet, Office of Legal Services, 200 Mero Street, Frankfort, Kentucky 40622, phone (502) 564-7650, fax (502) 564-5238.

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET**  
**Department of Workforce Investment**  
**Office for the Blind**  
**(As Amended at ARRS, February 13, 2012)**

**782 KAR 1:010. Kentucky Business Enterprises.**

RELATES TO: KRS 13B, 61.870-61.884, 163.470(11), 438.310, 34 C.F.R. Part 361.38, 395, 20 U.S.C. 107-107f~~107b, 107e]~~

STATUTORY AUTHORITY: KRS 163.470(5), 34 C.F.R. 395.4, 20 U.S.C. 107b(5)~~[-]~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 163.470(5) requires the office to establish and implement policies and procedures for administering the program of services for the blind and visually impaired. 20 U.S.C. 107b(5) requires the office to promulgate administrative regulations for the operation of the vending facility program. This administrative regulation establishes the operational requirements for the business enterprises program for the federal Randolph-Sheppard Vending Facility Program.

Section 1. Definitions. (1) "Active participation" means an on-going process which~~[is]~~:

(a) ~~Is~~ Between the office and the State Committee of Blind Vendors for joint planning and input on program policies, standards, and procedures; and

(b) Does not supersede the office's final authority to administer the program.

(2) "Agreement" means a written contract entered into between the office and property management authorizing the establishment of a vending facility and setting forth the service obligations.

(3) "Applicant" means an eligible individual who has been referred by a counselor to be screened for participation in the Kentucky Business Enterprises (KBE) Vendor Training Program.

(4) "Counselor" means a vocational rehabilitation counselor in the Office for the Blind.

(5) "Director" means the Division Director of Kentucky Business Enterprises.

(6) "Eligible individual" means a consumer as defined at 782 KAR 1:020, Section1(4).

(7) "Executive director" means the Executive director of the Kentucky Office for the Blind.

(8) "Kentucky Business Enterprises" or "KBE" means a division of the office established by KRS 163.470(11).

(9) "Licensee" means an eligible individual who:

(a) Has successfully completed the KBE Vendor Training Program;

(b) Has been licensed to operate a KBE vending facility; and

(c) Is not operating a vending facility.~~[(10) "Manager" means a vendor in a vending facility who is responsible for the facility's operation.]~~

~~[(10)]~~~~[(41)]~~ "Mediation" means an informal option which allows a vendor to seek resolution of a dispute with an office action which:

(a) Arises from the operation or administration of the vending facility program; and

(b) Adversely affects the vendor.

~~[(11)]~~~~[(42)]~~ "Office" means the Office for the Blind which is the state licensing agency for the Randolph Sheppard Vending Facility Program in Kentucky.

~~[(12)]~~~~[(43)]~~ "Seniority" means the accumulated period of time

during which a vendor has operated KBE vending facilities.

~~[(13)]~~~~[(44)]~~ "Trainee" means an eligible individual who has been selected for, and is actively participating in, the KBE Vendor Training Program leading to licensure.

~~[(14)]~~~~[(45)]~~ "Vending facility" means a food sales operation within the meaning of 34 C.F.R. 395.1(x) operated on state, federal, or private property under the auspices of KBE by a vendor.

~~[(15)]~~~~[(46)]~~ "Vendor" means a licensee responsible for operating a vending facility under terms of an agreement, permit, or contract relating to the vending facility.

~~[(16)]~~~~[(47)]~~ "Vendor agreement" means a written contract entered into between the office and a KBE vendor authorizing the vendor to operate a vending facility at a specific location and setting forth the responsibilities of the parties with respect to the vending facility.

Section 2. Training and Licensure. (1) Eligibility Criteria.

(a) An applicant shall be screened to enter the KBE vendor training program upon submission of documentation by the counselor and the eligible individual which establishes that the criteria~~[established]~~ in paragraph (b) of this subsection have been met.

(b) The applicant shall:

1. Meet a visual diagnosis of blind person as defined in the federal Randolph-Sheppard Act at 20 U.S.C. 107e(1) and the definition of blind person established in 34 C.F.R. 395.1(c);

2. Be a citizen of the United States;

3. Be certified that the consumer meets the general criteria of eligibility for vocational rehabilitation services from the office;

4. Have received a high school diploma or GED certification;

5. Have math skills at an eighth-grade level or above;

6. Have financial skills for operating a vending business;

7. Have verbal and communication skills;

8. Have public relations skills;

9. Have personal hygiene and appearance appropriate for meeting the public;

10. Be independent in performing daily living activities; ~~[and]~~

11. Have mobility skills; ~~and [-]~~

12. Have reached the age of majority.

(2) KBE screening process for training program.

(a) The screening committee shall be composed of:

1. The KBE division director or designee;

2. The chair of the State Committee of Blind Vendors or designee;

3. A KBE vendor appointed by the chair of the State Committee of Blind Vendors;~~[and]~~

4. The Director of Consumer Services or a designee; ~~and[-]~~

5. The KBE assistant division director or designee.

(b) A designee shall not be the counselor of the applicant.

(3) KBE Vendor Training Program.

(a) The KBE training shall provide on-the-job work experience and classroom instruction leading to licensure as a KBE vendor.

(b) The curriculum and training manual for the KBE training program shall be developed with the active participation of the State Committee of Blind Vendors to ensure that a trainee, upon completion of the program, demonstrates~~[demonstrate]~~ proficiency in all aspects of KBE vending facility operation.

(c) Upon successful completion of the training program, the office shall award a vendor license to the trainee.

Section 3. KBE Vendor License. (1) License Conditions.

(a) A license to operate a KBE vending facility shall be issued for an indefinite period of time.

(b) The office shall provide management services and training to assist the vendor in fulfilling the terms of the agreement.

(c) KBE shall conduct periodic management reviews, vending facility surveys, and financial audits of vending facilities and records. If information is obtained that the vendor is not meeting the operational standards established in Section 9 of this administrative regulation, remedial steps shall be identified and reviewed by KBE staff with the vendor. Specific training, if appropriate, shall be made available to remedy a deficiency. The office may require the vendor to participate in training provided by, or arranged by, KBE if operational standards established~~[establishes]~~ in Section 9 of this administrative regulation are not being met.

(d) The office shall terminate the license of a vendor if, after affording the vendor the opportunity for a full evidentiary hearing, the office finds that:

1. The vending facility is not being operated in accordance with this administrative regulation, the permit or agreement, or the vendor agreement, such as [specific examples of which include, but are not limited to,] the filing of false set aside reports, the violation of any state or federal law regarding payment of taxes and labor requirements, and the failure to maintain insurance as required by Section 9(20) of this administrative regulation; or

2. The vendor's vision has improved so that the vendor no longer meets the definition of blind person established in 34 C.F.R. 395.1(c) of the federal implementing regulations to the Randolph-Sheppard Act, 20 U.S.C. 107 through 107f. In order to ensure compliance, vendors may be required to undergo an ophthalmologic examination. The office shall select and approve the exam provider and shall be [is] responsible for the costs of the [such] examination.

(2) Leave of absence.

(a) The office may grant a vendor a leave of absence from a vending facility of up to one (1) year for reasons of health, pregnancy, or personal reasons after a written request with justification is approved by the director.

(b) The vendor shall retain accrued seniority, but shall not accrue any seniority during the leave of absence.

(c) If the vendor is unable to return to the vending facility at the expiration of the approved leave of absence, the vendor shall:

1. Resign from that vending facility; or
2. Be subject to termination of the vendor agreement to operate the vending facility.

(3) Resignation.

(a) Resignation from a vending facility shall result in a vendor returning to licensee status with the right to bid on vending facility vacancies and retention of accrued seniority.

(b) Resignation from KBE shall result in loss of the vendor's license with retention of all accrued seniority.

(c) Reentry into KBE and eligibility to bid on a vending facility by an individual that resigned from KBE shall be allowed only upon completion of sufficient training [as determined by the office,] if the individual that resigned did so for one (1) calendar year or more prior to their attempt to reenter KBE.

Section 4. Vendor Vacancy. (1) The office shall determine that a vendor vacancy exists if:

(a) A new vending facility is established; or

(b) An existing vending facility [manager's] position is vacated.

(2) If a location becomes available that might support more than one (1) vending facility, the number and types of facilities shall be determined by the director with the active participation of the State Committee of Blind Vendors to prevent unfair competition. ~~[(3) If the manager's position becomes vacant in a multivendor vending facility, the assistant manager shall assume the manager's position. The assistant position shall be abolished.]~~

Section 5. Vendor Appointment. (1) Announcement of vacancy.

(a) If a vending facility [manager] vacancy is identified, the director shall notify all licensees and vendors of the available position.

(b) Announcements of a vacancy shall be made in alternative format and shall include the closing date and time by which bids shall be received by the director.

(c) Information on the vending facility's operation requirements, previous vending facility gross sales, and arrangements for visitation of the vending facility shall be included in the announcement.

(2) Bids. Any vendor or licensee may make an application for a vacancy by submitting a completed Application for Vending Facility Vacancy Form to the director by the bid closing date. All bids shall be considered without regard to race, color, national origin, gender, religion, age, political affiliation, and disability.

(3) Selection.

(a) The director shall appoint a vendor or licensee to manage each vending facility, in accordance with this subsection.

(b) Except in cases of emergency appointment pursuant to subsection (5) of this section, the director shall solicit the active

participation of ~~[no fewer than]~~ three (3) representatives of the State Committee of Blind Vendors, who shall be appointed by the committee chair, on each vending facility manager appointment.

(c) The selection process shall begin with compilation of the seniority of each bidder based on currently existing KBE records. Beginning with the bidder with the most KBE seniority, the director and committee representatives shall review that bidder's business practices as documented in the KBE vending facility files in areas such as [such areas as]:

1. Customer relations;
2. Cooperation with property management;
3. Cooperation with KBE staff;
4. Complaints and commendations;
5. Timely and accurate submission of monthly financial reports and set-aside payments;
6. Financial management;
7. Recordkeeping;
8. Audit reports; and
9. Nonnegotiable payments to KBE or suppliers.

(d) The committee representatives shall advise the director of their first and second choice recommendations. The director shall balance the most senior bidder's documented business practices with the requirements of the specific vending facility vacancy. If the bidder's business practices are reasonably satisfactory as they relate to the specific vending facility requirements, in the judgment of the director, the bidder with the highest KBE seniority shall be offered the appointment to the vending facility vacancy.

(e) If the bidder with the most KBE seniority is not offered the appointment under the criteria of this subsection or declines the appointment, the director shall apply the criteria of this subsection to the next bidder with the highest KBE seniority until a bidder is selected and appointed by the director.

(f) If two (2) or more bidders have equal KBE seniority, each bidder's business practices as they relate to meeting the vending facility requirements shall be balanced by the director. The most qualified bidder for the specific vending facility vacancy, in the judgment of the director, shall be selected and offered the appointment by the director.

(g) Consideration of KBE licensees with no KBE seniority shall be based on the following equally weighted criteria:

1. KBE final training test score[scores];
2. On-the-job training reports;
3. Formal education; and
4. Prior work history.

(4) Appointment. The successful bidder shall be notified of appointment to the vacancy in alternative format as necessary. All appointment letters shall be mailed by certified mail. The appointee shall respond to the director in writing, postmarked within five (5) working days after receipt of the appointment letter, to accept or reject appointment. In the absence of a written response, the offer of appointment shall be rescinded, and the director shall select a new appointee.

(a) If a vendor resigns or abandons a vending facility within six (6) months of appointment to the [said] facility for any reason other than properly documented medical reasons, the vendor shall be ineligible to bid on another vending facility for six (6) months. [and may be required to take additional training as determined appropriate by the office.]

(5) Emergency appointment.

(a) The office shall make an emergency appointment of a vendor, licensee, or a nonlicensed individual to a vending facility vacancy if time does not permit adherence to the vendor appointment process. An emergency appointment may occur for a leave of absence, appointment of a vendor or licensee [manager] to another vacancy, death, abandonment [or] health emergency, or other similar occurrence.

(b) A licensee placed by emergency appointment shall accrue seniority for the duration of the emergency appointment period. The State Committee of Blind Vendors shall be notified in writing of an emergency appointment ~~[and the expected duration of the appointment].~~

(c) An emergency appointment shall not be [be not] more than six (6) months in duration from the time the appointment is made.

Section 6. Saleable Stock Inventory Acquisition. (1)(a) If a license ~~[is in "ready for employment" status and]~~ is placed ~~in~~~~[as a manager of]~~ a vending facility, a saleable stock inventory shall be provided by the licensee's counselor on a one (1) time basis not to exceed \$5,000. This amount shall be used to reimburse~~[paid to]~~:

1. The stock wholesalers~~[-, inter-accounted to KBE if the initial stock at the vending facility is owned by KBE];~~ ~~[or]~~
2. The vendor exiting the vending facility; ~~or~~~~[-]~~
3. Both.

(b) The amount and type of stock necessary for the successful operation of a vending facility shall be determined by the director or designee, based on the amount and type of stock used previously at the same or similar vending facilities.

(c) Payment for additional stock, above the \$5,000, needed for the vending facility shall be the responsibility of the licensee. If the licensee seeks financing for the additional stock, KBE may purchase the stock on the licensee's behalf after KBE has been provided proof that other funding is not available from financial institutions including the Small Business Administration or banks. The licensee shall make~~[affordable]~~ monthly payments to KBE up to the value of the stock purchases as set forth in a repayment schedule negotiated and signed by both the licensee and the office's representative.

(2)(a) If a vendor transfers, through the KBE bid process, from one (1) vending facility to another at which KBE owns an initial saleable stock inventory, the entering vendor shall purchase from KBE the initial inventory valued at wholesale costs.

(b) Except as provided in paragraph (c) of this subsection, inventory above the initial value at the vending facility shall be bought by the entering vendor from the exiting vendor at wholesale costs through an arrangement between vendors. KBE shall not be a party to that arrangement. KBE staff shall advise what type and amount of stock is needed at the vending facility, whether as the beginning inventory or additional inventory.

(c) The exiting vendor, at his discretion, may choose to dispose of the stock inventory at the vending facility which is above the KBE-owned type and amount of product considered initial stock. The entering vendor shall be responsible for additional stock purchases above the KBE-owned amount. KBE may make stock purchases on behalf of the entering vendor after KBE has been provided proof that other funding is not available from financial institutions including the Small Business Administration or banks. The vendor shall make~~[affordable]~~ monthly payments to KBE up to the value of the stock purchases.

(3)(a) If an emergency appointment of a vendor is made to an existing vending facility at which the initial saleable stock inventory is owned by KBE, ownership shall be retained by KBE. KBE shall purchase needed inventory above the initial amount at the vending facility, at wholesale cost from:

1. The exiting vendor; or
2. Wholesalers.

(b) The emergency appointee shall be responsible for maintaining a stock inventory value equivalent to the KBE-owned inventory at the vending facility.

(c) If a permanent vendor appointment is made, the appointed vendor shall make arrangements to purchase the entire stock inventory from the exiting vendor or KBE.

(4) If an emergency appointment is made to a new vending facility where there is no existing stock inventory, KBE shall purchase the initial inventory.

(5) If an emergency appointment is made to a vending facility where the exiting vendor has been granted a leave-of-absence, the emergency appointee shall:

- (a) Accept responsibility for total inventory of the vending facility; and
- (b) Maintain an inventory of equal value, in either saleable stock or cash equivalent during the entire emergency assignment.

#### Section 7. Vendor Administrative Remedies and Procedures.

##### (1) Mediation.

(a) Participation in the mediation process shall be voluntary on the part of the vendor. The mediation process shall not be used to deny or delay the vendor's right to pursue resolution of the dispute through an evidentiary hearing.

(b)1. Within thirty (30) calendar~~[fifteen (15) working]~~ days from the occurrence of an office action arising from the operation or administration of the vending facility program which adversely affects the vendor, a mediation may be requested in writing to the director.

2. The office shall maintain a list of qualified mediators. The director, with the agreement of the vendor, shall choose a mediator from the list and schedule a mediation meeting to be concluded within forty-five (45) calendar~~[thirty (30) working]~~ days of the receipt of the request.

3. The mediation shall be held at a field office convenient to the aggrieved vendor during regular state working hours.

4. Reasonable accommodations shall be provided upon request.

(c) A representative of the office who is authorized to bind the office to an agreement shall attend the mediation. The aggrieved vendor shall attend and may be represented by an advocate or counsel. If the vendor and office mutually agree to a resolution, the mediation agreement shall be signed before the mediation is concluded. Discussion or agreements arising from the mediation process shall not be used as evidence in any subsequent hearing or arbitration.

(d) If a mutually agreeable resolution is not obtained, the vendor may submit a request for an evidentiary hearing within thirty (30) calendar~~[fifteen (15) working]~~ days of the unresolved mediation.

##### (2) Evidentiary hearing.

(a) If desired, a vendor shall request an evidentiary hearing in writing to the director within thirty (30) calendar~~[fifteen (15) working]~~ days:

1. Of an unresolved mediation; or
2. From an office action arising from the operation or administration of the vending facility program which adversely affects the vendor.

(b) The office shall conduct an evidentiary hearing requested by the vendor pursuant to KRS Chapter 13B.

(c) A vendor who is dissatisfied with the final agency decision entered in the evidentiary hearing may seek judicial review in accordance with the provisions of KRS Chapter 13B.

(3) Arbitration. A vendor who is dissatisfied with the final agency decision entered in the evidentiary hearing may request a federal arbitration by filing a complaint with the Secretary of the United States Department of Education pursuant to 34 C.F.R. 395.13.

Section 8. State Committee of Blind Vendors. The State Committee of Blind Vendors shall be established to actively participate with the office in the major administrative and policy decisions affecting the overall administration of the Randolph-Sheppard Vending Facility Program and to perform other functions consistent with 34 C.F.R. 395.14.

(1) Election procedures. The office shall provide for the biennial election of the State Committee of Blind Vendors consistent with procedures established by the general assembly of all blind vendors in accordance with 34 C.F.R. 395.14.

##### (2) Meetings of the committee.

(a) The State Committee of Blind Vendors shall meet at least quarterly with the director or his designee in attendance. The announcement of the meeting, with the agenda as drafted by the committee chairperson and the director, shall be mailed to the committee members and all vendors and licensees by KBE. Mailings shall be prepared in alternative format as necessary.

(b) The KBE staff shall record the official minutes of meetings and prepare and mail a copy of the minutes to all vendors and licensees after approval by the committee chair. The minutes may be mailed in alternative format as necessary.

(c)1. KBE shall make committee meeting space available to the chairperson for business of the State Committee of Blind Vendors.

2. The director and committee chair shall develop an annual committee budget.

3. Expenses incurred by the committee members in conducting the four (4) quarterly meetings shall be reimbursed from the committee's annual budget consistent with 200 KAR 2:006.

4. Additional meetings shall be eligible for reimbursement with

the approval of the KBE director or office executive director, based on availability of funds and the purpose of the meeting.

(d) The State Committee of Blind Vendors shall adopt bylaws, which shall be approved by the office.

Section 9. Vendor's Rights and Responsibilities. A vendor shall:

(1) Enter into an agreement with the office for the operation of a Randolph-Sheppard vending facility under the auspices of KBE prior to beginning operation of a vending facility;

(2) Operate the vending facility in accordance with accepted-business practices and in compliance with all federal, state, and local laws, administrative regulations, and ordinances applicable to the operation of the vending facility;

(3) Assure proper daily operation of the vending facility to meet the requirements of the permit or agreement and vendor agreement in a business-like manner;

(4) Maintain high-quality fresh merchandise in a quantity sufficient to satisfy customer needs;

(5) Maintain presentable personal hygiene, appearance, and vending facility sanitation to assure pleasant accommodations for all customers;

(6) Provide adequate pest control and janitorial services unless otherwise specified in the vendor agreement;

(7) Post in a conspicuous place a notice stating that it is illegal to sell tobacco products to persons under age eighteen (18) pursuant to KRS 438.310 in any vending facility where tobacco products are sold;

(8) Require proof of age from a prospective buyer or recipient of tobacco products who may be under the age of eighteen (18);

(9) Clean, fill, and service machines and equipment daily to assure proper functioning and report promptly to KBE any needed repair of equipment;

(10) Obtain prior written approval from the director before purchasing equipment for a KBE vending facility from personal funds. If approved, the vendor shall arrange and pay for repair and maintenance and removal, if necessary, of the personally owned equipment;

(11) Employ and pay a substitute during times of vendor absence from a vending facility due to vacation or sickness unless the office has made an emergency appointment for an extended leave. Preference may be given to qualified blind or visually-impaired persons if selecting substitutes;

(12) Cooperate with vending facility audits that may be performed periodically at KBE expense;

(13) Pay the monthly seven (7)[five (5)] percent set-aside amount based on net profits of all vending facilities on schedule:

(a) The monthly set-aside payments shall be received by the office on or before the 20th of the following month by check or money order made payable to the Kentucky State Treasurer;

(b) Late set-aside payments shall result in a twelve (12) percent annual interest charge plus a five (5) percent penalty for each thirty (30) day period or portion thereof for which the set-aside payment is in arrears, up to a maximum of twenty-five (25) percent;

(c) A twelve (12) percent annual interest charge shall be assessed for nonnegotiable checks received until the date a replacement certified check or money order is received;

(d) A ten (10) dollar service charge shall be due for a nonnegotiable check; and

(e) If a nonnegotiable check is received from a vendor, all future payments made by the vendor shall be by certified check or money order;

(f) If a vendor is late in making the set aside payment to the office two (2) or more consecutive months, the vendor shall be prohibited from bidding on another vending facility for one (1) year; and [.]

(g) If a vendor is late in making the set aside payment to the office for ninety (90) or more calendar days, or is late in making the set aside payment to the office six (6) or more times in a calendar year, after first affording the vendor an administrative remedy[hearing] in accordance with Section 7 of this administrative regulation, the vendor shall be[is] subject to removal from their vending facility;

(14) Pay resaleable stock suppliers promptly and retain all

invoices and receipts for three (3) calendar years;

(15) Include rebates, commissions, or bonuses received by the vendor from suppliers as income of the vending facility and account for this income on the monthly vending facility financial report submitted to KBE on a completed Financial Report Form;

(16)(a) Utilize office-established accounting practices and bookkeeping procedures including the establishment of a business bank account to ensure that personal and vending facility funds are not commingled; and

(b) Make available to the office upon request bank statements and other vending facility business records for audit purposes and to satisfy ongoing financial accountability standards;

(17)(a) Submit a monthly vending facility financial report on a completed Financial Report Form to be received by the office on or before the 20th of the following month, with the expenses listed deducted as operating expenses on the report:

1.~~[(a)]~~ Expendable supplies used in the vending facility;

2.~~[(b)]~~ Substitutes for the vendor while the vendor is not present at the vending facility due to sick or annual leave;

3.~~[(c)]~~ Rental and commission fees paid to building management as stipulated in the vending facility agreement;

4.~~[(d)]~~ Telephone and utility expenses of the vending facility;

5.~~[(e)]~~ Pest control services;

6.~~[(f)]~~ Delivery charges paid on resaleable stock;

7.~~[(g)]~~ Janitorial services;

8.~~[(h)]~~ Liability insurance;

9.~~[(i)]~~ License and permits required by health departments;

10.~~[(j)]~~ Employee wages; and

11.~~[(k)]~~ Employee fringe benefits;

(b) If a vendor is late in making the monthly vending facility financial report to the office two (2) or more consecutive months, the vendor shall be prohibited from bidding on another vending facility for one (1) year;

(c) If a vendor is late in making the monthly vending facility financial report to the office for ninety (90) or more calendar days, or is late in making the monthly vending facility financial report to the office six (6) or more times in a calendar year, after first affording the vendor an administrative remedy[hearing] in accordance with Section 7 of this administrative regulation, the vendor shall be[is] subject to removal from their vending facility;

(18) Reimburse at wholesale cost the vending facility for merchandise taken from the vending facility for any personal use or charitable donation;

(19) Be responsible for payment of any taxes levied or assessed on the operation of the vending facility including local, state, and federal taxes;

(20)(a) Obtain, maintain in effect, and pay all premiums of the following insurance coverage:

1. Comprehensive general liability insurance including personal injury, bodily injury, and product liability to meet minimum policy limits set by KBE in compliance with the terms of the vending facility permit. The policies shall insure against any liability which may occur from the operation by the vendor of the vending facility or in connection with the premises; and

2. Pay workers' compensation, Social Security, unemployment compensation, disability insurance, and other insurance coverage required by law for both the vendor and vendor's employees; and

(b) Submit proof of insurance as required by this subsection to KBE annually. All policies shall provide for notice to KBE of any cancellation, termination, or nonrenewal of coverage; and

(c) Vendors that fail to annually submit proof of insurance as required by this subsection shall be subject to termination or suspension of the vendor's license, after first affording the vendor an administrative remedy in accordance with Section 7 of this administrative regulation; [Failure to annually submit proof of insurance as required by this subsection may, after first affording the vendor an administrative hearing in accordance with Section 7 of this regulation, result in termination or suspension of the vendor's license.]

(21) Not bind or obligate the office or represent to an entity that the vendor is a legal representative, agency, or employee of the office;

(22) Not remove or move any KBE-owned equipment located at any vending facility without approval from the director;

(23) Maintain a separate business bank account for deposit of all lottery sales and proceeds in a vending facility participating in lottery games for which the manager personally has applied and been approved for the sale of lottery tickets by the Kentucky Lottery Corporation;

(24) Adhere to the initial stock inventory requirements established in Section 6 of this administrative regulation;

(25) Cooperate with KBE staff in the ongoing supervision and monitoring of the vending facility to maximize efficiency, productivity, customer satisfaction, and market potential;

(26) Participate in training arranged and paid for by the office as required by KBE to correct identified deficiencies and to improve business skills. Vendors may request approval from the office for vending facility management training;

(27) Request access in writing, if desired, to all program and financial data of KBE as provided for by the Kentucky Open Records Law, KRS 61.870 through 61.884, and the federal Randolph-Sheppard Act, 20 U.S.C. 107 through 107f. The data may be made available in alternative format. At a vendor's request, the office shall arrange a convenient time for a staff member to assist in the interpretation of the data;

(28) Have the opportunity to read and respond to each complaint or commendation placed in a KBE file. A copy of the complaint or commendation shall be delivered to the named vendor by registered or certified mail. A response received from the vendor named in the complaint or commendation shall be filed with the complaint or commendation in the KBE file; and

**(29)(a) Be prohibited from bidding on a vending facility for one (1) calendar year dating from the date of the second late payment if the vendor fails to make two (2) consecutive monthly payments in any repayment schedule established pursuant to Section 6 of this administrative regulation: [Vendors that fail to make two (2) consecutive monthly payments in any repayment schedule established pursuant to Section 6 of this administrative regulation shall be prohibited from bidding on a vending facility for one (1) calendar year dating from the date of the second late payment:]**

**(b) Be subject to removal from the vending facility, after first affording the vendor an administrative remedy in accordance with Section 7 of this administrative regulation, if the vendor:**

**1. Fails to make a payment in any repayment schedule established pursuant to Section 6 of this administrative regulation for ninety (90) or more calendar days; or**

**2. Is late in making the payment to the office six (6) or more times in a calendar year.[Vendors that fail to make a payment in any repayment schedule established pursuant to Section 6 of this administrative regulation for ninety (90) or more calendar days, or are late in making said payment to the office six (6) or more times in a calendar year, after first affording the vendor an administrative hearing in accordance with Section 7 of this regulation, the vendor is subject to removal from their vending facility.]**

Section 10. Office's Rights and Responsibilities. The office shall:

(1) Enter permits or agreements with property management administrators on suitable federal, state, and other property to establish vending facilities;

(2) Assist in stocking vending facilities with initial resaleable products in accordance with Section 6 of this administrative regulation;

(3) Provide new and existing vending facilities with sufficient equipment~~[, as determined appropriate by the office,]~~ to meet the terms of the permit or agreement for operation of each vending facility. The office shall:

(a) Retain ownership of all equipment provided and paid for by KBE in each vending facility;

(b) Repair, or cause to be repaired, replace, or maintain all vending facility equipment owned[provided] by KBE;

(c) Approve or deny vendor requests for replacement equipment if justified;

(d) Purchase additional equipment for vending facilities if sufficiently justified in terms of the vending facility potential and permit or agreement obligations. The office shall review vendor requests

for additional equipment with accompanying justification for the investment. KBE shall make the final decision and notify the vendor; and

(e) Approve requests, if justified, for vendor-purchased equipment~~[,]~~;

(4) Develop financial controls to ensure financial accountability of each vending facility;

(5) Establish a ~~seven (7)~~~~[five (5)]~~ percent set-aside amount to be paid by each vending facility manager assessed on the monthly net proceeds of the vending facility;

(6) Establish reasonable charges for delinquent monthly set-aside payments and nonnegotiable checks as established in Section 9(13) of this administrative regulation, and take disciplinary action for persistent delinquency or nonnegotiable checks, **including suspension or termination of a vendor's license, after first affording the vendor an administrative remedy;**

(7)(a) Periodically conduct or provide for accountability reviews of vending facility financial documentation relating to the vending facility operation; or

(b) Provide, or provide for, temporary assistance or training to a vendor determined to be remiss in recordkeeping or reporting. If the temporary assistance or training does not correct the deficiency, the office may require the vendor to utilize qualified bookkeeping services;

(8) Contract for periodic audits of each vending facility at office expense;

(9) Inventory and establish the wholesale value of the on-hand saleable stock inventory if a vendor leaves a vending facility;

(10) If a vendor appointment is made, take or contract for the taking of an inventory of all on-hand resaleable stock, valued and calculated at wholesale cost;

(11) Determine the product types and quantities necessary for successful operation of a vending facility if appointing a vendor to a vending facility;

(12) Provide each licensee with a copy of this administrative regulation in alternative format as necessary;

(13) Provide each vendor with a copy of all relevant materials pertaining to the operation of the vendor's assigned vending facility in alternative format as necessary;

(14) Provide ongoing monitoring and supervision of each vending facility to ensure compliance with operating agreements, permits, laws, administrative regulations, vending facility service obligations, and generally-accepted business practices; and

(15) Provide, or provide for, ongoing training as identified by KBE staff or requested by a vendor and approved by the director, **based on availability of funding and whether the director reasonably believes the requested training is warranted under the circumstances.**

Section 11. Confidentiality. (1) All identifiable personal information concerning applicant, licensee, and vendors shall be confidential consistent with 34 C.F.R. 361.38. Identifiable personal information shall include documentation from an individual's vocational rehabilitation consumer file. Access to, or release of, the confidential personal information shall be governed by the provisions of 34 C.F.R. 361.38. If the personal information is released in response to a judicial order, the applicant, licensee, or vendor shall be notified by KBE within ~~three (3)~~ two (2) working days from receipt of the judicial order.

(2) All KBE documents and files pertaining to the operation of KBE vending facilities shall be public records pursuant to KRS Chapter 61. The KBE files shall include business records concerning the operation of vending facilities and shall be maintained by the office consistent with its public purpose. Any information from KBE files pertaining to the operation of KBE vending facilities may be included in bids issued for vendor vacancies and may be shared with members of the State Committee of Blind Vendors to assist their active participation during vendor selection.

Section 12. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for Vending Facility Vacancy", February 2001; and

(b) "Financial Report, Kentucky Business Enterprises", August

2000.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office for the Blind, 275 East Main Street, Mail Stop 2-EJ, Frankfort Kentucky 40621[209 St. Clair Street, P.O. Box 757, Frankfort, Kentucky 40602], Monday through Friday, 8 a.m. to 4:30 p.m.

CHRISTOPHER H. SMITH, Executive Director

APPROVED BY AGENCY: November 15, 2011

FILED WITH LRC: November 15, 2011 at 11 a.m.

CONTACT PERSON: Patrick B. Shirley, Education and Workforce Development Cabinet, Office of Legal and Legislative Services, 500 Mero Street, Room 306, Frankfort, Kentucky 40601. phone (502) 564-1481, fax (502) 564-9990.

**PUBLIC PROTECTION CABINET  
Kentucky Horse Racing Commission  
(As Amended at ARRS, February 13, 2012)**

**810 KAR 1:014. Weights.**

RELATES TO: KRS 230.215, 230.260

STATUTORY AUTHORITY: KRS 230.215, 230.260[, 230.290]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 230.215(2) authorizes the commission to promulgate administrative regulations prescribing conditions under which all horse racing is conducted in the Commonwealth. This administrative regulation provides the requirements for assigning weights to a horse in a race.

Section 1. (1) Weight penalties shall be obligatory. Weight allowance shall be claimed at time of entry and shall not be waived after the posting of entries, except by consent of the stewards.

(2) A horse shall start with only the allowance of weight to which it is entitled at the time of starting, regardless of its allowance at time of entry.

(3) A horse incurring a weight penalty for a race shall not be entitled to any weight allowance for that race. A horse not entitled to the first weight allowance in a race shall not be entitled to any subsequent allowance specified in the conditions.

(4) Claim of weight allowance to which a horse is not entitled shall not disqualify the horse, unless protest is made in writing and lodged with the stewards at least one (1) hour before post time.

(5) A horse shall not incur a weight penalty or be barred from any race for having been placed second or lower in any race. A horse shall not be given a weight allowance for failure to finish second or lower in any race.

(6)(a) Except as provided in paragraph (b) of this subsection, a horse shall not receive allowance of weight and shall not be relieved of extra weight for having been beaten in one (1) or more races.

(b) A horse may receive maiden allowances or allowances if it has not won a race within a specified period or a race of a specified value.

(7) Penalties incurred and allowances due in steeplechase or hurdle races shall not apply to races on the flat, and vice versa.

(8) In determining eligibility, allowances,[allowances] and penalties, the reports, records, and statistics as published in the Daily Racing Form and the monthly chart books, or corresponding official publications of any foreign country, shall be considered official, except they may be corrected until forty-five (45) minutes prior to post time of the race.

(9) Horses winning races at unrecognized meetings shall not be penalized for the winnings in races run thereafter under the jurisdiction of the commission. The maiden allowance, however, shall be lost by the winning of a race at any unrecognized meeting.

(10) With the exception of apprentice allowances, handicap races, three (3) year old horses entered to run in races against horses four (4) years old and upwards, and the allowance provided in subsection (11) of this section, a jockey shall not be assigned a weight of less than 118 pounds. For three (3) year old horses entered to run in races against horses four (4) years old and upwards from January 1 through September 1, a jockey shall not be as-

signed a weight of less than 116 pounds.

~~(11)[(40)] Except in handicaps, fillies two (2) years old shall be allowed three (3) pounds, and fillies and mares three (3) years old and upwards[upward] shall be allowed five (5) pounds before September 1, and three (3) pounds thereafter in races where they are competing against horses of the opposite sex.[(11) In all races of one (1) mile or over, other than maiden races, races for nonwinners at a mile or over, stakes races or handicaps, any horse which has never won at a distance of one (1) mile or over, shall be allowed three (3) pounds weight allowance in addition to any other allowances to which it may be entitled in the race; the allowance shall be claimed at time of entry.~~

~~(12) With the exception of apprentices, a jockey shall not be assigned a weight of less than 118 pounds.]~~

~~(12)[(43)] Jockeys shall be weighed out for their respective mounts by the clerk of scales not less than fifteen (15) minutes before post time.~~

~~(13)[(44)] A jockey's weight shall include his clothing, boots, saddle and its attachments, and any other equipment except as specified in this subsection. The following items shall not be included in a jockey's weight: riding crop, bridle, bit, reins, safety helmet, safety vest, blinkers, goggles, over-girth, breast collar, and number cloth. Upon approval of the stewards, a jockey[jockeys] may be allowed up to three (3) pounds additional clothing and equipment for inclement weather or track conditions.~~

~~(14)[(45)] Five (5) pounds shall be the limit of overweight any horse is permitted to carry.~~

~~(15)[(46)] Only valets furnished by the association shall assist a jockey[jockeys] in weighing out.~~

~~(16)[(47)] After a race has been run, the jockey shall ride promptly to the finish line, dismount, and present himself to the clerk of scales to be weighed in. He shall carry [over]to the clerk of scales all pieces of equipment with which he weighed out. The post-race weighing of a jockey[jockeys] shall include any sweat, dirt, and mud that have accumulated on the jockey, jockey's clothing, jockey's safety helmet, jockey's safety vest, and over-girth. This accounts for additional weight depending on specific equipment, as well as weather, track, and racing conditions.~~

~~(17)[(48)] Each jockey shall weigh in at no less than that at which he weighed out, and if short, the stewards shall investigate and if warranted take disciplinary action against the individual or individuals responsible for the violation. If warranted, the action shall include disqualification of the horse from receiving what would otherwise be its share of the purse.~~

~~(18)[(49)] If a jockey is prevented from riding his mount to the finish line because of an accident or illness either to himself or his mount, he may walk or be carried to the scales, or he may be excused by the stewards from weighing in.~~

~~(19)[(20)] A notice shall be included in the daily program that each jockey[all jockeys] will carry approximately three (3) pounds more than the published weight to account for safety helmets and safety vests that is not included in required weighing out procedures. A notice shall also be published that, upon approval of the stewards, a jockey may be allowed up to three (3) pounds additional clothing and equipment for inclement weather or track conditions.~~

ROBERT M. BECK, JR., Chairman

ROBERT D. VANCE, Secretary

APPROVED BY AGENCY: December 15, 2011

FILED WITH LRC: December 15, 2011 at 10 a.m.

CONTACT PERSON: Susan Bryson Speckert, General Counsel, Kentucky Horse Racing Commission, 4063 Iron Works Parkway, Building B, Lexington, Kentucky 40511, phone (859) 246-2040, fax (859) 246-2039.



ADMINISTRATIVE REGULATIONS AMENDED AFTER PUBLIC HEARING  
OR RECEIPT OF WRITTEN COMMENTS

PUBLIC PROTECTION CABINET  
Kentucky Boxing and Wrestling Authority  
(Amended After Comments)

201 KAR 27:012. Wrestling show requirements.

RELATES TO: KRS 229.021, 229.071(1), 229.081, 229.091, 229.101, 229.131, 229.171(1), 229.180(1)

STATUTORY AUTHORITY: KRS 229.021, 229.071, 229.091(1), 229.171(1), 229.180(1)~~229.180(1)~~

NECESSITY, FUNCTION, AND CONFORMITY: KRS 229.171(1) authorizes the authority to provide the sole direction, management, control, and jurisdiction over all professional boxing, sparring, and wrestling matches or exhibitions to be conducted, held, or given within the Commonwealth. KRS 229.180(1) authorizes the authority to promulgate administrative regulations necessary or expedient for the performance of its regulatory function. KRS 229.021 and 229.071(2) and (3) authorize~~229.071(2) authorizes~~ the authority to grant annual licenses to applicants for participation in professional matches if the authority determines~~judges~~ that the financial responsibility, experience, character, and general fitness of the applicant indicate~~are such~~ that participation by the applicant is in the public interest. KRS 229.091(1) provides that every licensee shall be subject to the administrative regulations promulgated by the authority. This administrative regulation establishes the requirements for wrestling shows and for participants in wrestling matches.

Section 1. The authority shall license each person~~all persons~~ approved to participate in wrestling. Each license~~All licenses~~ shall expire on December 31 of the year in which it is~~they are~~ issued.

Section 2. Application (1) An applicant for a wrestling license shall complete and submit to the authority the form, ["Application for License as a Wrestler, along with a photo identification or birth certificate."]

(2)~~["-(11/2011)-"]~~ An applicant desiring to renew a wrestling license shall complete and submit to the authority the form, ["Application for Renewal of License as a Wrestler, "]

(3)~~["-(11/2011)-"]~~ An applicant for a wrestling event staff or referee license shall complete and submit to the authority the form, ["Application for License as a Wrestling Official, along with a photo identification or birth certificate"]~~["-(11/2011)"]~~. A copy of the applicant's picture ID or birth certificate shall be submitted with any new application.

Section 3. (1) The license fee for each participant shall be as follows:

- (a)~~(4)~~ Event staff: twenty (20) dollars;
- (b)~~(2)~~ Referee: twenty (20) dollars; and
- (c)~~(3)~~ Wrestler: twenty (20) dollars.

(2)~~(4)~~ A wrestler certificate may be purchased for an additional ten (10) dollars.

Section 4. Requirements for the Wrestling Ring and the Immediately Surrounding Area. (1) Each match~~All matches~~ shall be held in a four (4) sided roped ring with the following specifications:

- (a) The minimum ring size shall be fourteen (14) feet by fourteen (14) feet;
- (b) The floor of the ring shall extend beyond the ropes for a distance of not less than one (1) foot;
- (c) The floor of the ring shall not be elevated~~may be elevated not~~ more than six (6) feet above the arena floor; and
- (d) It may have steps to enter the ring on two (2) sides.

(2) The ring shall be formed of ropes with the following specifications:

- (a) There shall be three (3) ropes extended in a triple line;
- (b) The ropes shall be at least one (1) inch in diameter; and
- (c) The ropes shall be wrapped in a clean, soft material and

drawn taut.

(3) The ropes shall be supported by ring posts that shall be:

- (a) Made of metal or other strong material;
- (b) Not less than three (3) inches in diameter; and
- (c) At least eighteen (18) inches from the rope.

(4) The ring floor shall be padded or cushioned with a clean, soft material that:

- (a) Is at least one (1) inch in thickness;
- (b) Extends over the edge of the platform;
- (c) Is covered with canvas or a synthetic~~similar~~ material stretched tightly, unless the event is held outdoors, in which case only canvas shall be used; and
- (d) Is clean, sanitary, and free from:

- 1. Grit;
- 2. Dirt;
- 3. Resin;
- 4. Blood; and
- 5. Any other foreign object or substance.

(5) The ring rope shall be attached to the ring posts by turnbuckles that shall be~~are~~ padded with a soft pad at least six (6) inches in width.

(6) The ring shall have an area of at least six (6) feet between the edge of the ring floor and the first row of spectator seats on all sides of the ring.

(7) A partition, barricade, or some type of divider shall be placed:

(a) Between the first row of the spectator seats and the six (6) foot area surrounding the ring; and

(b) On both sides of the entry lane for wrestlers to enter the ring and the spectator area or, if an entry lane is not practical, all wrestlers shall be escorted to the ring~~ring~~ by security.

Section 5. The promoter may request an alternate ring design consisting of more than four (4) equal sides if~~provided that~~ the square feet is not less than 196 square feet inside. This request shall be submitted in writing to the authority for approval no less than thirty (30) days before the show.

Section 6. (1) Before the beginning of a wrestling show, all changes or substitutions in the advertised program of wrestling shall be posted at the ticket window and at the entrance to the facility.

(2) Changes or substitutions shall also be announced in the ring before commencement of the first match along with the information that any ticket holder desiring a refund based on those announced changes or substitutions shall be entitled to receive a refund before commencement of the program.

(3) A ticket purchaser~~Purchasers of tickets~~ shall be entitled, upon request~~by them~~, to a refund of the purchase price of the ticket~~tickets~~, if the request is made before the commencement of the first match.

Section 7.~~["-(1)~~ A licensed wrestler who has made a commitment to participate in a professional match and is unable to participate, for any reason, shall notify the promoter of the inability to participate within at least six (6) hours of the scheduled start time~~as soon as possible~~.

(2) Failure to notify the promoter in accordance with subsection (1) of this section shall~~a timely manner may~~ constitute grounds for possible disciplinary action by the authority.

Section 8. While participating in a professional match, a wrestler, referee, promoter, or wrestling event staff shall not:

(1) Use, or direct another person to use, an~~any~~ object or tactic to intentionally cut or cause bleeding to himself or another person. If a person accidentally bleeds while participating in an exhibition, show, or appearance, the individual bleeding shall cease participation in the match and may rejoin the match once the bleeding has stopped. The authority shall be notified within twenty-four (24) hours if bleeding occurs.



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- (a) Himself;
- (b) An opponent; or
- (c) Any other participant in the show.]

(2) Use pyrotechnics on himself or another person; or~~any~~ pyrotechnic during the show on:

- (a) Another wrestler;
- (b) The referee; or
- (c) Wrestling event staff.

(3) Bleed while participating in an exhibition or appearing at the site of a show.

~~(a) If an individual accidentally bleeds while participating in an exhibition, show, or appearance, the match shall end immediately and the KBWA shall be notified within twenty-four (24) hours.]~~

(3)(4) Use an object that is likely to~~may~~ [An object shall not be used during a wrestling show that may] cause a person to bleed.

(4)(5) Use unreasonable~~a~~ physical or verbal threat of aggression~~shall not be~~ directed toward a~~any~~ member of the audience.

Section 9. In the event that a scheduled show involves a match where blood capsules are to be used or wrestling is to take place in a substance, the promoter shall inform the authority no less than three (3) business days before the match.

Section 10. A~~Any~~ violation of this or any other administrative regulation in 201 KAR Chapter 27 that results in injury to a contestant, participant, or member of the audience shall~~may~~ result in suspension, fine, ~~or~~ revocation of a license or a combination of these penalties~~at the discretion of the authority~~.

Section 11. All wrestling or entertainment shall take place either in the ring or within the partitioned-off portion of the gym or arena. Physical activity shall not be permitted between wrestlers, referee, or wrestling event staff in the audience or outside of the safety partition.

Section 12. Each promoter~~All promoters~~ shall safeguard and provide a minimum of two (2) security guards for the premises where contests or exhibitions are conducted, including~~but not limited to~~ the locker room, to ensure~~insure to the satisfaction of the authority~~ that adequate protection against disorderly conduct has been provided. Any disorderly act, assault, or breach of decorum on the part of a~~any~~ licensee at the premises shall be~~is~~ prohibited.

Section 13. (1) The promoter shall submit a request for a show date no less than five (5) calendar days before the requested date for approval by the authority.

(2) The request shall be made by completing and submitting to the authority the form, ["Wrestling Show Notice Form"]~~-(2/06)~~.

(3) There shall be no advertising of the event prior to approval.

(4) Upon approval by the authority, all advertisements shall include the promoter's license number.

Section 14. Within twenty-four (24) hours of the conclusion of the wrestling show, the promoter shall, pursuant to KRS 229.031(1), complete and submit to the authority the form, ["Wrestling Event Report"]~~-(2/06)~~.

Section 15. (1) The authority may ~~at any time~~ request a contestant to submit to a drug test at the contestant's expense. The presence within a contestant of controlled substances, for which the contestant does not have a prescription, or refusal by the contestant to submit to the test, shall~~may~~ result in suspension, fine, ~~or~~ revocation of a license, or a combination of these penalties~~at the discretion of the authority~~.

(2) From arrival to the venue to the conclusion of the event, a contestant shall not consume, possess, or participate under the influence of alcohol or another~~any other~~ substance that may affect the contestant's ability to participate.

Section 16. (1) An initial applicant shall provide the authority with a copy of a sports physical conducted by a licensed~~physician~~

licensed by a state medical board. This physical shall have been conducted no more than three (3) months prior to submission to the authority.

(2) A licensee over the age of forty-nine (49) shall submit a sports physical yearly upon renewal. This physical shall have been conducted no more than three (3) months prior to submission to the authority.

Section 17. (1) Each show shall be video~~All shows shall be visually~~ recorded and retained by the promoter for at least one (1) year.

(2) Upon request of the authority, the promoter shall provide the video~~visual~~ recording of a show to the authority.

Section 18. A promoter shall provide separate locker rooms~~room(s)~~ for males and females.

Section 19. A female shall not wrestle if she is pregnant.

Section 20.~~146.~~ Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for License as a Wrestler", 1/2012~~(5/06)~~;

(b) "Application for Renewal of License as a Wrestler", 1/2012~~(5/06)~~;

(c) "Application for License as a Wrestling Official", 1/2012~~(5/06)~~;

(d) "Wrestling Show Notice Form", 1/2012~~(5/06)~~; and

(e) "Wrestling Event Report", 1/2012~~(5/06)~~.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Boxing and Wrestling Authority office at 500 Mero Street, Capitol Plaza Tower, Room 509, Frankfort, Kentucky~~40601~~ KY 40601~~100 Airport Road, Frankfort, Kentucky 40604~~, Monday through Friday, 8 a.m. to 4:30 p.m.

GEORGE GINTER, Board Chair

PETER F. ERVIN, General Counsel

For ROBERT D. VANCE, Secretary

APPROVED BY AGENCY: February 15, 2012

FILED WITH LRC: February 15, 2012 at 11 a.m.

CONTACT PERSON: Angela Robertson, 500 Mero Street, Capitol Plaza Tower, Room 509, Frankfort, Kentucky 40601, phone (502) 564-0085, fax (502) 564-3969.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Angela Robertson and Michael West

(1) Provide a brief summary of

(a) What this administrative regulation does: This regulation establishes requirements for wrestling shows.

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions KRS 229.081(4).

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by establishing procedures and requirements for wrestling shows.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment provides a more specific anti-drug policy, provides increased security for shows, provides protections for female wrestlers, and other changes.

(b) The necessity of the amendment to this administrative regulation: This amendment provides a more specific anti-drug policy, provides increased security for shows, provides protections for female wrestlers, and other changes.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the regulation authorizing the Authority to regulate this profession and sport.

(d) How the amendment will assist in the effective administra-

tion of the statutes: The amendment will protect the health of licensees and the others in attendance at wrestling shows.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are 1078 wrestlers licensed in the Commonwealth.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: None

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Costs will be minimal.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): None. The health of the fighters will be better protected.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No new costs will be incurred by the changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by licensees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees will be required to implement this administrative regulation amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish fees.

(9) TIERING: Is tiering applied? Tiering is not applied to this regulation because there is no need for tiering.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Boxing and Wrestling Authority

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 229.171(2)(a)

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? None

(d) How much will it cost to administer this program for subsequent years? None

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

#### PUBLIC PROTECTION CABINET Kentucky Boxing and Wrestling Authority (Amended After Comments)

#### 201 KAR 27:016. General requirements for mixed martial arts matches, shows, or exhibitions.

RELATES TO: KRS 229.021, 229.071(1), 229.081, 229.091, 229.101, 229.131, 229.171, 229.180(1)

STATUTORY AUTHORITY: KRS 229.021, 229.071[(2)], 229.091(1), 229.151(1), 229.171(1), 229.180(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 229.171(2) authorizes the Kentucky Boxing and Wrestling Authority to provide the sole direction, management, control, and jurisdiction over all professional boxing, sparring, and wrestling matches or exhibitions to be conducted, held, or given with the Commonwealth. KRS 229.151(1) grants the Kentucky Boxing and Wrestling Authority regulatory oversight over professional boxing, wrestling, and other professional full-contact competitive bouts within the Commonwealth. KRS 229.180(1) authorizes the authority to promulgate administrative regulations necessary or expedient for the performance of its regulatory function. KRS 229.021 and 229.071(2) and (3) authorize[authorizes] the authority to grant annual licenses to applicants for participation in professional matches if the authority determines[judges] that the financial responsibility, experience, character, and general fitness of the applicant indicate[are such] that participation by the applicant is in the public interest. KRS 229.091(1) provides that every licensee shall be subject to the administrative regulations promulgated by the authority. This administrative regulation establishes[sets out] requirements for mixed martial arts contests subject to state regulation.

Section 1. (1) The authority shall license each person[all persons] approved to participate as a professional contestant in a mixed martial arts contest.

(2) An applicant for a mixed martial arts license shall complete and submit to the authority the form, Application for License as a Professional Mixed Martial Arts Contestant[Participants shall apply for license onsite after preflight physicals have been performed].

(3) Applications shall not be mailed to the authority.

(4) The license fee for each participant shall be twenty (20) dollars.

(5) All licenses shall expire on December 31 of the year in which they areissued.

Section 2. The schedule for compensation to be paid prior to the commencement of the main event to officials participating in a professional mixed martial arts show shall be as follows:

(1) Judge for mixed martial arts: [-] \$150. [a.] If there are twelve (12)[12] or fewer bouts on a pro/am card, the judge's[judges] pay shall be \$100.

(2) Timekeeper for mixed martial arts: [-] \$100. [a.] If there are twelve (12)[12] or fewer bouts on a pro/am card, the timekeeper's pay shall be seventy-five (75) dollars[\$75].

(3) Physician for mixed martial arts: [-] \$250.

(a) \$300: up to ten (10) schedule bouts;

(b) \$350: eleven (11) to fifteen (15) scheduled bouts; or

(c) \$400: over fifteen (15) scheduled bouts.

(4) Referee for mixed martial arts: [-] \$150.

Section 3. Before the commencement of the main event of a[any] mixed martial arts show or exhibition, the promoter of the show or exhibition shall tender to the inspector or an employee of the authority a certified check or money order made payable to each official who will officiate the show or exhibition in the amount prescribed by the schedule of compensation for officials established in Section 2 of this administrative regulation.

Section 4. If a show or exhibition is cancelled with less than twenty-four (24) hours' notice to the authority, officials shall be paid one-half (1/2) the compensation required by Section 2 of this administrative regulation.

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Section 5. The promoter shall submit a request for a show date on the MMA Show Notice Form no less than thirty (30) calendar days before the requested date for approval by the authority.

(1) There shall not be ~~no~~ advertising of the event prior to this approval.

(2) Once the show date has been approved, all advertisements shall include the promoter's license number.

Section 6. The proposed program for a show shall be filed with the authority at least five (5) business days prior to the date of the show. Notice of a~~any~~ change in a program or a~~any~~ substitutions in a show shall be filed immediately with the authority.

Section 7. Each~~All~~ contestant compensation agreement ~~agreements~~ shall be in writing and submitted to the authority for approval not less than five (5) calendar days prior to the date of the proposed show.

Section 8. A contest or exhibition of a mixed martial art shall be conducted pursuant to the official rules for the particular art unless the official rules conflict with KRS Chapter 229 or 201 KAR Chapter 27.

(1) ~~it conflicts with any part of the statutes or administrative regulations.~~ If an official rule conflicts with any part of the statutes or administrative regulations, the statute or administrative regulation shall prevail.

(2) The sponsoring organization or promoter shall file a copy of the official rules with the authority along with the thirty (30) day show notice required in Section 5 of this administrative regulation.

Section 9. (1) Before the commencement of a show, all changes or substitutions shall be:

- (a) Announced from the cage~~ring~~; and
- (b) Posted in a conspicuous place at the ticket office.

(2) A purchaser of tickets shall be entitled, upon request, to a refund of the purchase price of the ticket, provided the request is made before the commencement of the show.

Section 10. (1) The area between the cage and the first row of spectators on all sides and the locker room~~row nearest the ring on all four (4) sides~~ shall be under the exclusive control of the authority.

(2) Alcohol or smoking shall not be allowed in the areas under the control of the authority.

(3) Authority staff and licensees shall be the only people allowed inside the areas under the control of the authority.

Section 11. (1) There shall be an area of at least six (6) feet between the edge of the cage ~~ring~~ floor and the first row of spectator seats on all sides of the cage ~~ring~~.

(2) A partition, barricade, or similar divider shall be placed:

- (a) Between the first row of the spectator seats and the six (6) foot area surrounding the cage ~~ring~~; and
- (b) Along the sides of the entry lane for contestants to enter the cage ~~ring~~ and the spectator area.

Section 12. ~~The ring shall meet the following requirements:~~

(1) ~~All bouts shall be held in a four (4) sided roped ring with the following specifications:~~

- (a) ~~The minimum size of the ring shall be sixteen (16) feet by sixteen (16) feet, inside the ropes;~~
- (b) ~~The floor of the ring shall extend beyond the ropes for a distance of not less than one (1) foot;~~
- (c) ~~The floor of the ring shall be elevated not more than six (6) feet above the arena floor;~~
- (d) ~~The ring shall have steps to enter the ring on two (2) sides.~~
- (2) ~~The ring shall be formed of ropes with the following specifications:~~

(a) ~~There shall be a minimum of three (3) ropes extended in a triple line at the following heights above the ring floor:~~

- 1. ~~Twenty-four (24) inches;~~
- 2. ~~Thirty-six (36) inches; and~~
- 3. ~~Forty-eight (48) inches;~~

(b) ~~A fourth rope may be used if approved by the inspector or~~

employee of the authority prior to the commencement of the show;

(c) ~~A rope shall be at least one (1) inch in diameter;~~

(d) ~~A rope shall be wrapped in a clean, soft material and drawn taut;~~

(e) ~~A rope shall be held in place with vertical straps on each of the four (4) sides of the ring; and~~

(3) ~~A rope shall be supported by ring posts that shall be:~~

- (a) ~~Made of metal or other strong material;~~
- (b) ~~Not less than three (3) inches in diameter; and~~
- (c) ~~At least eighteen (18) inches from the ropes.~~

(4) ~~The ring floor shall be padded or cushioned with a clean, soft material that:~~

(a) ~~Is at least one (1) inch in thickness using slow recovery foam matting;~~

(b) ~~Extends over the edge of the platform; and~~

(c) ~~Is covered with a single canvas or a similar material stretched tightly.~~

(5) ~~A ring rope shall be attached to the ring posts by turnbuckles that are padded with a soft vertical pad at least six (6) inches in width.~~

(6)(a) ~~A promoter may request an alternate ring design, including fenced area rings consisting of more than four (4) equal sides, provided that the area inside is no less than 256 square feet. This request shall be submitted to the executive director no less than thirty (30) days prior to the event.](b)[A fenced area used in]A contest or exhibition of mixed martial arts shall be held in a fenced area meeting~~meet~~ the following requirements:~~

(1)~~[4-]~~ The fenced area shall be circular or have equal sides and shall be no smaller than twenty (20) feet wide and no larger than thirty-two (32) feet wide.

(2)~~[2-]~~ The floor of the fenced area shall be padded with closed-cell foam, with at least a one (1) inch layer of foam padding, with a top covering of a single canvas or a synthetic material stretched tightly and laced to the platform of the fenced area, unless the event is held outdoors, in which case only canvas shall be used.

(3)~~[1-]~~ ~~duck or similar material tightly stretched and laced to the platform of the fenced area. Material that tends to gather in lumps or ridges shall not be used.~~

3-] The platform of the fenced area shall not be more than six (6) feet above the floor of the building and shall have steps suitable for the use of the contestants.

(4)~~[4-]~~ Fence posts shall be made of metal, shall not be more than six (6) inches in diameter, and shall extend from the floor of the building to between five (5) and seven (7) feet above the floor of the fenced area, and shall be properly padded.

(5)~~[5-]~~ The fencing used to enclose the fenced area shall be made of a material that shall prevent a~~an~~ contestant from falling out of the fenced area or breaking through the fenced area onto the floor of the building or onto the spectators, and the fencing shall be coated with vinyl or a similar covering to minimize injuries to a contestant.

(6)~~[6-]~~ Any metal portion of the fenced area shall be properly covered and padded and shall not be abrasive to the unarmed combatants.

(7)~~[7-]~~ The fenced area shall have at least one (1) entrance.

(8)~~[8-]~~ There shall not be a~~be no~~ protrusion or obstruction on any part of the fence surrounding the area in which the contestants are to be competing.

(9)~~[9-]~~ Any event held outdoors while the temperature is or exceeds a heat index of 100 degrees Fahrenheit shall be conducted under a roof.

(10)~~[10-]~~ A cage shall have a canvas mat or a synthetic material, unless the event is held outdoors, in which case only canvas shall be used.

Section 13. A bell or horn shall be used by the timekeeper to indicate~~in indicating~~ the time.

Section 14. In addition to the cage and cage ~~ring and ring~~ equipment, the promoter shall supply the following items, which shall be available for use as needed:~~[-]~~

(1) A public address system in good working order.

(2)~~[Judges and timekeepers]~~ Chairs for judges and time-

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**keepers** elevated sufficiently to provide an unobstructed view of the ~~cage and the cage [ring and the ring]~~ floor.

- (3) Items for each contestant's corner, to include:
  - (a) A stool or chair;
  - (b) A clean bucket;
  - (c) Towels; and
  - (d) Rubber gloves.
- (4) A complete set of numbered round-cards.
- (5) A clean stretcher and a clean blanket, placed under or adjacent to the **cage**~~[ring]~~, throughout each program.
- (6) First aid oxygen apparatus or equipment.

Section 15. A scales used for ~~[any]~~ weigh-in shall be approved in advance by the authority.

Section 16. A promoter shall provide a minimum of two (2) security guards for the premises where contests or exhibitions are conducted ~~and the locker room or rooms to ensure~~~~room(s) to ensure to the satisfaction of the authority~~ that adequate protection against disorderly conduct has been provided. Any disorderly act, assault, or breach of decorum on the part of ~~a~~**[any]** licensee at the premises shall be prohibited.

Section 17. All emergency medical personnel and portable medical equipment shall be stationed at ~~cageside~~~~[ringside]~~ during the event.

(1) There shall be resuscitation equipment, oxygen, a stretcher, a certified ambulance, and an emergency medical technician on site for all contests.

(2) If the ambulance is required to leave the event~~[for any reason]~~, a contest shall not ~~[be allowed to]~~continue until an ambulance is once again present and medical personnel are at ~~cageside~~~~[ringside]~~.

Section 18. (1) There shall be at least one (1) physician licensed by the authority at ~~cageside~~~~[ringside]~~ before a bout **shall begin**.

~~(2)[is allowed to begin.]~~ The physician shall have at ~~cageside~~~~[ringside]~~~~[any]~~ medical supplies necessary to provide first aid medical assistance for the type of injuries reasonably anticipated to occur in a mixed martial arts show.

Section 19. A promoter shall provide insurance for his contestant for any injuries sustained in the mixed martial arts event.

(1) The minimum amount of coverage per contestant shall be \$5,000 health and \$5,000 accidental death benefits.

(2) A certificate of insurance coverage shall be provided to the authority no less than two (2) business days before the event.

**(3)(a) Payment of a[any] deductible under the policy shall be the responsibility of the contestant not to exceed an expense of \$1,000.**

**(b) A[\$300-Any] deductible expense above \$1,000[\$300] shall be the responsibility of the promoter.**

Section 20. A promoter shall submit written notice to a local hospital with an on-call neurosurgeon that a mixed martial arts show is being held.

(1) This notice shall include the date, time, and location of the event.

(2) A copy of this notice shall be filed with the authority no less than two (2) business days before the event.

Section 21. Judges, physicians, referees, and timekeepers shall be selected, licensed, and assigned to each show by the authority. For each show, the authority shall assign:

- (1) Three (3) judges;
- (2) One (1) timekeeper;
- (3) One (1) physician, unless more than eighteen (18) bouts are scheduled, in which case a minimum of two (2) physicians shall be required~~(One (1) physician, except that two (2) physicians shall be assigned to any bout designated a championship bout by a national sanctioning body recognized by the authority); and~~
- (4) One (1) referee, unless more than 18 bouts ~~[thirty (30) rounds]~~ are scheduled, in which case a minimum of two (2) refer-

ees shall be required.

Section 22. Unless the authority approves an exception:

(1) A nonchampionship contest or exhibition of mixed martial arts shall not exceed three (3) rounds in duration;~~[-]~~

(2) A championship contest of mixed martial arts shall not exceed ~~[be]~~ five (5) rounds in duration; and~~[-]~~

(3) A period of unarmed combat in a contest or exhibition of mixed martial arts shall be a maximum of five (5) minutes in duration, and a period of rest following a period of unarmed combat in a contest or exhibition of mixed martial arts shall be one (1) minute in duration.

Section 23. Weight Classes of Contestants; Weight Loss after Weigh-in.

(1) Except with the approval of the authority, the classes for contestants competing in contests or exhibitions of mixed martial arts and the weights for each class are shown in the following schedule:

CLASS	WEIGHT
Flyweight	Up to 125 lbs.
Bantamweight	Up to 135 lbs.
Featherweight	Up to 145 lbs.
Lightweight	Up to 155 lbs.
Welterweight	Up to 170 lbs.
Middleweight	Up to 185 lbs.
Light Heavyweight	Up to 205 lbs.
Heavyweight	Up to 265 lbs.
Super Heavyweight	Over 265 lbs.

(2) After the weigh-in of a contestant competing in a contest or exhibition of mixed martial arts:

(a) Change in weight in excess of three (3) pounds **shall not** ~~be~~~~[is not]~~ permitted for a contestant who weighed in at 145 pounds or less;~~[-]~~

(b) Change in weight in excess of four (4) pounds **shall not** ~~be~~~~[is not]~~ permitted for a contestant who weighed in at over 145 pounds; and~~[-]~~

(3) ~~A~~**[The]** change in weight **above that established in paragraphs (a) and (b) of this subsection**~~[described in subsection two]~~ shall not occur later than two (2) hours after the initial weigh-in.

Section 24. The following shall be prohibited:

- (1) "Battle royal"; and
- (2) Use of excessive grease or **another**~~any other~~ substance that may handicap an opponent.

Section 25. Contestants Repeatedly Knocked Out or Otherwise Defeated. (1) A mixed martial arts contestant who has been repeatedly knocked out or~~and~~ severely beaten shall be retired and not permitted to **compete**~~[box]~~ again if, after ~~[subjecting him to]~~a thorough examination by a physician, the authority decides the action is necessary in order to protect the health and welfare of the contestant.

(2) A mixed martial arts contestant who has suffered six (6) consecutive defeats by knockout shall not be allowed to compete again until he has been investigated by the authority and examined by a physician.

(3) A mixed martial arts contestant whose license is under suspension in **another jurisdiction shall not participate in a contest until review and approval**~~[any other jurisdiction may be allowed to participate in any contest only after review and approval of the case]~~ by an inspector or employee of the authority.

(4) **A**~~[Any]~~ mixed martial arts contestant who has been knocked out shall be prohibited from **competition**~~[all physical contact]~~ for sixty (60) days.

(5)**(a) A**~~[Any]~~ mixed martial arts contestant who has suffered a technical knockout may~~[in the discretion of the inspector;]~~ be prohibited from **competition**~~[physical contact]~~ for up to thirty (30) days.

**(b)** In determining how many days to prohibit the contestant from **competition**~~[physical contact]~~, the inspector shall consider

the nature and severity of the injuries that resulted in the TKO.

Section 26. A person over the age of thirty-nine (39) shall not participate as a contestant in a mixed-martial arts match without ~~[first submitting to]~~ a comprehensive physical performed by a physician licensed by the authority. The results of the physical and a medical authorization or release shall then be completed and submitted to the authority no later than fifteen (15) business days prior to the scheduled board meeting ~~[bout].~~

Section 27. A contestant shall report to and be under the general supervision of the inspector or employee of the authority in attendance at the show and shall be subject to ~~[any]~~ orders given by the inspector or employee of the authority.

Section 28. A contestant shall produce one (1) form of picture identification. A contestant shall not assume or use the name of another, and shall not change his ring name nor be announced by ~~a~~[any] name other than that which appears on his license, except upon approval of the inspector or employee of the authority.

Section 29. A contestant shall submit HIV Antibody and Hepatitis B Antigen and Hepatitis C Antibody test results at or before pre-fight physical.

**(1)** The results of these tests shall be no more than 180 days old.

**(2)** A person with positive test results shall not compete~~[be allowed to fight].~~

Section 30. A contestant shall not compete against a member of the opposite sex.

Section 31. **(1)** A contestant shall not use a belt that contains ~~a~~[which contains any] metal substance during a bout.

**(2)** The belt shall not extend above the waistline of the contestant.

Section 32. Proper Attire for a Mixed Martial Arts Contestant. A mixed martial arts contestant shall:

(1) Be clean, neatly clothed in proper ring attire, and the trunks of opponents shall be of distinguishing colors;~~[.]~~

(2) Not wear shoes or any padding on his feet during the contest;~~[.]~~

(3) Wear a groin protector;~~[.]~~

(4) Wear a kidney protector if available; and

(5) Wear a mouthpiece.

Section 33. (1) The authority may request that~~[at any time]~~ a contestant submit to a drug screen for controlled substances at the contestant's expense.

(2) If the drug screen indicates the presence within the contestant of controlled substances for which the contestant does not have a valid prescription, or if the contestant refuses to submit to the test, the authority shall:

~~(a)~~[may] Suspend or revoke the license of the contestant;

~~(b)~~[.] ~~or the authority may~~ Impose a fine upon the contestant; or

(c) Both penalties established in paragraphs (a) and (b) of this subsection~~[.] or both].~~

**(3)(a)**~~[4.]~~ The administration of or use of any of the following shall be~~[is]~~ prohibited in any part of the body, ~~[either] before or during a contest or exhibition, to or by any unarmed combatant:~~

**1.**~~[a)]~~ Alcohol;

**2.**~~[b)]~~ Stimulant; or

**3.**~~[c)]~~ Drug or injection that has not been approved by the authority~~[.] including, but not limited to, the drugs or injections listed in subsection 2].~~

**(b)**~~[2.]~~ The following types of drugs, injections, or stimulants shall be prohibited before or during a contest or exhibition, to or by an unarmed combatant;

**1.**~~[are prohibited pursuant to subsection 1:]~~

~~(a)]~~ Afrinol or a product~~[any other product that is]~~ pharmaceutically similar to Afrinol;

**2.**~~[.] (b)]~~ Co-Tylenol or a product~~[any other product that is]~~

pharmaceutically similar to Co-Tylenol;

**3.**~~[.] (e)]~~ A product containing an antihistamine and a decongestant;

**4.**~~[.] (d)]~~ A decongestant other than a decongestant listed in paragraph (d) of this subsection;

**5.** ~~An~~~~[subsection 4. (e) Any]~~ over-the-counter drug for colds, coughs, or sinuses other than those drugs listed in paragraph (d) of this subsection. This includes~~[subsection 4. This paragraph includes, but is not limited to, Ephedrine, Phenylpropanolamine, and Mahuang and derivatives of Mahuang; and~~

**6.** ~~A~~~~[.] (f) Any]~~ drug identified on the most current edition of the Prohibited List published by the World Anti-Doping Agency~~[.] which is hereby adopted by reference].~~ The most current edition of the Prohibited List may be obtained, free of charge, at the Internet address [www.wada-ama.org](http://www.wada-ama.org);

**(c)**~~[3.]~~ The following types of drugs or injections are not prohibited:

**1.**~~[pursuant to subsection 1, but their use is discouraged by the Commission:]~~

~~(a)]~~ Aspirin and products containing aspirin; and

**2.**~~[.] (b)]~~ Nonsteroidal anti-inflammatories.

**(d)**~~[4.]~~ The following types of drugs or injections are approved by the authority:

**1.**~~[Commission:] (a)]~~ Antacids, such as Maalox;

**2.**~~[.] (b)]~~ Antibiotics, antifungals, or antivirals ~~[that have been]~~prescribed by a physician;

**3.**~~[.] (c)]~~ Antidiarrheals, such as Imodium, Kaopectate, or Pepto-Bismol;

**4.**~~[.] (d)]~~ Antihistamines for colds or allergies, such as Bromphen, Brompheniramine, Chlorpheniramine Maleate, Chlor-Trimeton, Dimetane, Hismal, PBZ, Seldane, Tavist-1, or Teldrin;

**5.**~~[.] (e)]~~ Antinauseants, such as Dramamine or Tigan;

**6.**~~[.] (f)]~~ Antipyretics, such as Tylenol;

**7.**~~[.] (g)]~~ Antitussives, such as Robitussin, if the antitussive does not contain codeine;

**8.**~~[.] (h)]~~ Antulcer products, such as Carafate, Pepcid, Reglan, Tagamet, or Zantac;

**9.**~~[.] (i)]~~ Asthma products in aerosol form, such as Brethine, Metaproterenol (Alupent), or Salbutamol (Albuterol, Proventil, or Ventolin);

**10.**~~[.] (j)]~~ Asthma products in oral form, such as Aminophylline, Cromolyn, Nasalide, or Vanceril;

**11.**~~[.] (k)]~~ Ear products, such as Auralgan, Cerumenex, Cortisporin, Debrox, or Vosol;

**12.**~~[.] (l)]~~ Hemorrhoid products, such as Anusol-HC, Preparation H, or Nupercainal;

**13.**~~[.] (m)]~~ Laxatives, such as Correctol, Doxidan, Dulcolax, Efferyllium, Ex-Lax, Metamucil, Modane, or Milk of Magnesia;

**14.**~~[.] (n)]~~ Nasal products, such as AYR Saline, HuMist Saline, Ocean, or Salinex;

**15.**~~[.] (o)]~~ The following decongestants:

**a.**~~[4)]~~ Afrin;

**b.**~~[2)]~~ Oxymetazoline HCL Nasal Spray; or

**c.** ~~Another~~~~(3) Any other]~~ decongestant ~~[that is]~~pharmaceutically similar to a decongestant listed in clauses a. or b. or this subparagraph.

**(3)**~~[subparagraph (1) or (2), 5:]~~ An unarmed combatant shall submit to a urinalysis or chemical test before or after a contest or exhibition if the authority or a representative of the authority directs him to do so.

**(f)**~~[6:]~~ A licensee who violates ~~a~~[any] provision of this section shall be~~[is]~~ subject to disciplinary action by the authority. In addition to any other disciplinary action by the authority, if an unarmed combatant who won or drew a contest or exhibition is found to have violated the provisions of this section, the authority may, in its sole discretion, change the result of that contest or exhibition to a no decision.

Section 34. Method of Judging. (1) Each judge of a contest or exhibition of mixed martial arts shall score the contest or exhibition and determine the winner through the use of the following system:

(a) The better contestant of a round shall receive ten ~~(10)~~~~[receives 40]~~ points, and his opponent shall receive proportionately less.

(b) If the round is even, each contestant shall receive ten (10)~~receives 10~~ points.

(c) No fraction of points shall be given.

(d) Points for each round shall be awarded immediately after the end of the period of unarmed combat in the round.

(2) After the end of the contest or exhibition, the announcer shall pick up the scores of the judges from the authority's desk.

(3) The majority opinion shall be~~is~~ conclusive and, if there is no majority, the decision shall be~~is~~ a draw.

(4)(a) When the authority's representative has checked the scores, he shall inform the announcer of the decision.

(b) The announcer shall then inform the audience of the decision over the speaker system.

(5) Unjudged exhibitions shall~~may~~ be permitted with the prior approval of the authority.

Section 35. The following acts shall constitute fouls in mixed martial arts:

- (1) Butting with the head;~~[-]~~
- (2) Eye gouging;~~[of any kind;-]~~
- (3) Biting;~~[-]~~
- (4) Hair pulling;~~[-]~~
- (5) Fishhooking;~~[-]~~
- (6) Groin attacks;~~[of any kind;-]~~
- (7) Putting a finger into any orifice or into any cut or laceration on an opponent;~~[-]~~
- (8) Small joint manipulation;~~[-]~~
- (9) Striking to the spine or the back of the head;~~[-]~~
- (10) Striking downward using the point of the elbow;~~[-]~~
- (11) Throat strikes~~[of any kind;-]~~ including grabbing the trachea;~~[-]~~
- (12) Clawing, pinching, or twisting the flesh;~~[-]~~
- (13) Grabbing the clavicle;~~[-]~~
- (14) Kicking the head of a grounded opponent;~~[-]~~
- (15) Kneeing the head of a grounded opponent;~~[-]~~
- (16) Stomping the head of a grounded opponent;~~[-]~~
- (17) Kicking to the kidney with the heel;~~[-]~~
- (18) Spiking an opponent to the canvas on his head or neck;~~[-]~~
- (19) Throwing an opponent out of the ~~[ring or]~~ fenced area;~~[-]~~
- (20) Holding the shorts of an opponent;~~[-]~~
- (21) Spitting at an opponent;~~[-]~~
- (22) Engaging in ~~[any]~~ unsportsmanlike conduct that causes an injury to an opponent;~~[-]~~
- (23) Holding ~~[the ropes or]~~ the fence;~~[-]~~
- (24) Using abusive language in the ~~[ring or]~~ fenced area;~~[-]~~
- (25) Attacking an opponent on or during the break;~~[-]~~
- (26) Attacking an opponent who is under the care of the referee;~~[-]~~
- (27) Attacking an opponent after the bell has sounded the end of the period of unarmed combat;~~[-]~~
- (28) Intentionally~~[Flagrantly]~~ disregarding the instructions of the referee;~~[-]~~
- (29) Timidity, such as~~[including avoiding contact with an opponent;-]~~ intentionally or consistently dropping the mouthpiece or faking an injury;~~[-]~~
- (30) Interference by the corner; and~~[-]~~
- (31) The throwing by a contestant's corner staff of objects into the cage~~[ring]~~ during competition.

Section 36. (1) If a contestant fouls his opponent during a contest or exhibition of mixed martial arts, the referee may penalize him by deducting points from his score, regardless of whether or not the foul was intentional. The referee shall determine the number of points to be deducted in each instance and shall base his determination on the severity of the foul and its effect upon the opponent.

(2) If~~When~~ the referee determines that it is necessary to deduct a point or points because of a foul, he shall warn the offender of the penalty to be assessed.

(3) The referee shall, as soon as is practical after the foul, notify the judges and both contestants of the number of points, if any, to be deducted from the score of the offender.

(4) Any point or points to be deducted for any foul shall be deducted in the round in which the foul occurred and shall~~may~~

not be deducted from the score of any subsequent round.

Section 37. (1)(a) If a contest or exhibition of mixed martial arts is stopped because of an accidental foul, the referee shall determine if~~whether~~ the contestant who has been fouled is able to continue or not.

(b) If the contestant's chance of winning has not been seriously jeopardized as a result of the foul, and if the foul does not involve a concussive impact to the head of the contestant who has been fouled, the referee may order the contest or exhibition continued after a recuperative interval of not more than five (5) minutes.

(c) Immediately after separating the contestants, the referee shall inform the authority's representative of his determination that the foul was or was not accidental.

(2) If the referee determines that a contest or exhibition of mixed martial arts shall not continue because of an injury suffered as the result of an accidental foul, the contest or exhibition shall be declared a no contest if the foul occurs during:

(a) The first two (2) rounds of a contest or exhibition that is scheduled for three (3) rounds or less; or

(b) The first three (3) rounds of a contest or exhibition that is scheduled for more than three (3) rounds.

(3) If an accidental foul renders a contestant unable to continue the contest or exhibition, the outcome shall be determined by scoring the completed rounds, including the round in which the foul occurs, if the foul occurs after:

(a) The completed second round of a contest or exhibition that is scheduled for three (3) rounds or less; or

(b) The completed third round of a contest or exhibition that is scheduled for more than three (3) rounds, the outcome shall be determined by scoring the completed rounds.

(4) If an injury inflicted by an accidental foul later becomes aggravated by fair blows and the referee orders the contest or exhibition stopped because of the injury, the outcome shall be determined by scoring the completed rounds and the round during which the referee stops the contest or exhibition.

(5) A~~Any~~ contestant committing a foul may be issued a violation by the inspector or employee of the authority.

Section 38. A contest of mixed martial arts may end in the following ways:

- (1) Submission by:
  - (a) Physical tap out; or~~[-]~~
  - (b) Verbal tap out;~~[-]~~
- (2) Technical knockout by the referee or physician stopping the contest;~~[-]~~
- (3) Decision via the scorecards, including:
  - (a) Unanimous decision;~~[-]~~
  - (b) Split decision;~~[-]~~
  - (c) Majority decision; and~~[-]~~
  - (d) Draw, including:
    1. Unanimous draw;~~[-]~~
    2. Majority draw; and~~[-]~~
    3. Split draw;~~[-]~~
    4. Technical decision;~~[-]~~
    5. Technical draw;~~[-]~~
    6. Disqualification;~~[-]~~
    7. Forfeit; or~~[-]~~
    - 8) No contest.

Section 39. Within twenty-four (24) hours of the conclusion of a show, the promoter shall, pursuant to KRS 229.031(1), complete and submit to the authority~~[executive director]~~ the form "[MMA Event Report]"-(2/06).

Section 40. The following requirements apply to all bouts between female contestants:

(1) A contestant shall not wear facial cosmetics during the bout;

(2) A contestant with long hair shall secure her hair with soft and nonabrasive material;

(3) Weight classes shall be those established in section 23 of this administrative regulation;

(4) A contestant shall wear a properly-fitted:

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- (a) ~~[Breast protector; (b)]~~Groin protector; and  
~~(b)](e)]~~ Mouthpiece;

(5) A contestant shall provide the results of a pregnancy test indicating a negative finding that was taken within one (1) week prior to the bout;[.]

(6) A promoter shall provide a separate locker room for female contestants; and[.]

(7) A physician examining a female contestant shall be accompanied by a female authority representative when in the female locker room.

Section 41. (1) Each contestant shall[1- Contestants must] attend a pre-fight meeting as directed by a representative of the authority.

(2) Each contestant and official shall[Authority- Contestants and Officials must] check in with a representative of the authority no less than one (1) hour prior to the starting time of the event.

(3) Each contestant shall[Contests must] stay in the locker room area until it is time for them to compete.

Section 42. (1) Each show shall be video[1- All shows shall be visibly] recorded and retained by the promoter for at least one (1) year.

(2)[2.] Upon request of the authority, the promoter shall provide the visual recording of a show to the authority.

Section 43. A promoter shall maintain an account with the recognized national database as identified by the authority, and submit contestants'[contestants] names to that database upon approval of the show date. The promoter shall be responsible for the costs associated with the use of this service.

Section 44. All nonsanctioned activities, such as[including but not limited to] concerts, shall be completed prior to the scheduled start time of the event.

Section 45.[44-][44-] Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for License as a Mixed Martial Arts Contestant", 3/12[10/11][(5/06)]; and

(b) "MMA Show Notice Form", 10/11[(5/06)]; and

(c) "MMA Event Report", 10/11[(5/06)];

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Boxing and Wrestling Authority office at 500 Mero Street, Capitol Plaza Tower, Room 509, Frankfort, Kentucky[KY] 40601[100 Airport Road, Frankfort, Kentucky 40604-], Monday through Friday, 8 a.m. to 4:30 pm

GEORGE GINTER, Board Chair

ROBERT D. VANCE, Secretary

APPROVED BY AGENCY: February 15, 2012

FILED WITH LRC: February 15, 2012 at 11 a.m.

CONTACT PERSON: Angela Robertson, 500 Mero Street, Capitol Plaza Tower, Room 509, Frankfort, Kentucky, 40601, phone (502) 564-0085, fax (502) 564-3969.

### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michael West

(1) Provide a brief summary of

(a) What this administrative regulation does: This regulation establishes requirements for MMA contests.

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions KRS 229.171(2)(a).

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by establishing procedures and requirements for MMA contests.

(2) If this is an amendment to an existing administrative regula-

tion, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment will eliminate the option of a ring, change the fee schedule for judges, timekeepers and physicians, require greater security, require a promoter to pay an insurance deductible if necessary, change the length of some contests, provide more specific requirements relate to drug usage, and impose other requirements.

(b) The necessity of the amendment to this administrative regulation: The necessity of amendment is to protect contestants from injury.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the regulation authorizing the Authority to regulate this profession and sport.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will protect the health of licensees

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 138 pro mma licensees.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: None

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Costs will be minimal if any. In some instances it may cost less to rent a ring as opposed to a cage. With regard to the health insurance procurement, promoters may incur higher premiums for health coverage of their contestants or may incur greater medical expenses in the event that a contestant is injured. However, these costs may not increase depending on the type of coverage that was previously elected. The Authority seeks to avoid allowing contestants to be inadequately protected while balancing that interest against the interest of the contestant in having all minor injuries treated by a medical professional where such may not be necessary.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Their health will be protected.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No new costs will be incurred by the changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by licensees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees will be required to implement this administrative regulation amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish fees.

(9) TIERING: Is tiering applied? Tiering is not applied to this regulation because there is no need for tiering.

### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Boxing and Wrestling Authority

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 229.171(2)(a)

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency

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(including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? None

(d) How much will it cost to administer this program for subsequent years? None

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

### **PUBLIC PROTECTION CABINET Kentucky Boxing and Wrestling Authority (Amended After Comments)**

#### **201 KAR 27:100. General requirements for amateur mixed martial arts shows.**

RELATES TO: KRS 229.011~~[(4)]~~, 229.021, 229.031(1), 229.071~~[(4)]~~, 229.091, 229.101, 229.131, 229.171, 229.991

STATUTORY AUTHORITY: KRS 229.071~~(3)~~, ~~(4)~~~~[(2)]~~–(3), 229.081, 229.091(1), ~~229\*101(3)~~, 229.151(1), 229.171(1), 229.180

NECESSITY, FUNCTION, AND CONFORMITY: Except as provided in KRS 229.011(4), KRS 229.171(1) authorizes the authority to maintain the sole direction, management, control, and jurisdiction over all boxing, sparring, kickboxing, mixed martial arts, and wrestling shows or exhibitions to be held or conducted in the Commonwealth. KRS 229.180 authorizes the authority to promulgate administrative regulations necessary to implement KRS Chapter 229. KRS 229.081 requires certain participants in exhibitions and shows to be licensed in accordance with eligibility requirements established by administrative regulation. KRS 229.071~~(3)~~~~[(2)]~~ authorizes the authority to grant annual licenses to applicants for participation in shows and exhibitions if the authority judges that the financial responsibility, experience, character, and general fitness of the applicant are sufficient that participation by the applicant is in the public interest. KRS 229.071~~(4)~~ ~~requires~~~~[(3)]~~ authorizes the authority to establish annual license fees for licensed individuals. KRS 229.091(1) requires that every ~~licensee~~~~[(license)]~~ be subject to administrative regulations promulgated by the authority. This administrative regulation establishes ~~[(license)]~~ requirements and fees for certain participants in competitive contact sports such as boxing and mixed martial arts shows and exhibitions in the Commonwealth.

Section 1. (1) **(A) each contestant shall attend a prefight meeting as directed by a representative of the authority.**

**(b) Each contestant and official shall check in with a representative of the authority no less than one (1) hour prior to the starting time of the event.**

**(c) Each contestant shall remain in the locker room area until time for that contestant to compete.**

**(2)(a)** The authority shall license all persons approved to participate as an amateur contestant in a mixed martial arts show.

**(b)** ~~An applicant who has~~~~[(Applicants who have)]~~ competed in a professional mixed martial arts bout shall not be licensed as an amateur and shall not compete against an amateur.

**(3)** ~~Each amateur participant~~~~[(2) Participants]~~ shall apply for a license using the Application for Amateur Mixed Martial Arts Contestant License.

**(4)** ~~A contestant~~~~[(3) Contestants]~~ over the age of thirty-nine (39) shall not be issued a license until **the contestant has**~~[(they have)]~~ complied with Section 26 of this administrative regulation and ~~[(have)]~~ been approved by the authority.

~~(5)~~~~[(4)]~~(a) The fee for the amateur license shall be twenty-five (25) dollars.

(b) License renewal shall be ten (10) dollars.

(c) An amateur license shall expire on December 31 of the year in which the license is issued.

Section 2. The schedule for compensation to be paid to the following officials provided by the authority who are participating in an amateur mixed martial arts show shall be as follows and shall be paid prior to the commencement of the main event:

(1) Judge for mixed martial arts: fifty (50) dollars.

(2) Timekeeper for mixed martial arts: fifty (50) dollars.

(3) Physician for mixed martial arts:

(a) \$300; up to ten (10) schedule bouts;

(b) \$350; eleven (11) to fifteen (15) scheduled bouts; or

(c) \$400; over fifteen (15) scheduled bouts. ~~[-]~~

(4) Referee for mixed martial arts: seventy-five (75) dollars.

(5) Bout Assistant for mixed martial arts: seventy-five (75) dollars.

Section 3. If a show is cancelled with less than twenty-four (24) hours notice to the authority, officials shall be paid one-half (1/2) the compensation required by this administrative regulation.

Section 4. (1) The promoter shall submit a request for a show date not less than thirty (30) calendar days before the requested date for approval by the authority using the ~~[Amateur]~~MMA Show Notice Form.

(2) There shall not be advertising of the event prior to this approval.

(3) Upon approval by the authority, **each advertisement**~~[(all advertisements)]~~ shall include the promoter's license number.

Section 5. (1)(a) The proposed program for a show shall be filed with the authority at least five (5) business days prior to the date of the show.

(b) Notice of ~~a~~~~[(any)]~~ change in a program or **a substitution**~~[(any substitutions)]~~ in a show shall be filed immediately with the authority.

(c) The program shall not have more than two (2) fifteen (15) minute intermissions.

(2) ~~If~~~~[(the Authority determines)]~~, after reviewing a contestant's fight history that a proposed bout may not be reasonably competitive, the bout shall be denied.

(3) Amateur mixed martial arts contestants age thirty-nine (39) and older shall be in the Masters Division and shall only compete against contestants within this division.

Section 6. (1) Before the commencement of a show, all changes or substitutions shall be:

(a) Announced from the ~~cage~~~~[(ring)]~~; and

(b) Posted in a conspicuous place at the ticket office.

(2) A purchaser of tickets shall be entitled, upon request, to a refund of the purchase price of the ticket, ~~if~~~~[(provided)]~~ the request is made before the commencement of the show.

Section 7. (1) **Each show shall be video**~~[(All shows shall be visibly)]~~ recorded and retained by the promoter for **at least** one (1) year.

(2) Upon request of the authority, the promoter shall provide the ~~video~~~~[(visual)]~~ recording of a show to the authority.

Section 8. (1) The area between the ~~cage~~~~[(ring)]~~ and the first row of spectators on all~~[(four (4))]~~ sides and the locker room area shall be under the exclusive control of the authority.

(2) Alcohol or smoking shall not be allowed in the areas under the control of the authority.

(3) Authority staff and licensees shall be the only people allowed inside the areas under the control of the authority.

Section 9. (1) There shall be an area of at least six (6) feet between the edge of the ~~cage~~~~[(ring)]~~ floor and the first row of spectator seats on all sides of the ~~cage~~~~[(ring)]~~.

(2) A partition, barricade, or similar divider shall be placed:



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- (a) Between the first row of the spectator seats and the six (6) foot area surrounding the cage[ring]; and
- (b) Along the sides of the entry lane for contestants to enter the cage[ring] and the spectator area.

Section 10. ~~The ring shall meet the following requirements:~~

(1) All bouts shall be held in a four (4) sided roped ring with the following specifications:

(a) The minimum size of the ring shall be 16 ft. x 16 ft., inside the ropes;

(b) The floor of the ring shall extend beyond the ropes for a distance of not less than one (1) foot;

(c) The floor of the ring shall be elevated not more than six (6) feet above the arena floor; and

(d) The ring shall have steps to enter the ring on two (2) sides.

(2) The ring shall be formed of ropes with the following specifications:

(a) There shall be a minimum of three (3) ropes extended in a triple line at the following heights above the ring floor:

1. Twenty-four (24) inches;

2. Thirty-six (36) inches; and

3. Forty-eight (48) inches;

(b) A fourth rope may be used if approved by the inspector or employee of the Authority prior to the commencement of the show;

(c) A rope shall be at least one (1) inch in diameter;

(d) A rope shall be wrapped in a clean, soft material and drawn taut;

(e) A rope shall be held in place with vertical straps on each of the four (4) sides of the ring; and

(3) A rope shall be supported by ring posts that shall be:

(a) Made of metal or other strong material;

(b) Not less than three (3) inches in diameter; and

(c) At least eighteen (18) inches from the ropes.

(4) The ring floor shall be padded or cushioned with a clean, soft material that:

(a) Shall be at least one (1) inch in thickness using slow recovery foam matting;

(b) Extends over the edge of the platform; and

(c) Shall be covered with a single canvas or a similar material stretched tightly.

(5) A ring rope shall be attached to the ring posts by turnbuckles that are padded with a soft vertical pad at least six (6) inches in width.

(6)(a)1. A promoter may request an alternate ring design, including fenced area rings consisting of more than four (4) equal sides, provided that the area inside is not less than 256 square feet.

2. This request shall be submitted to the executive director not less than thirty (30) days prior to the event.

(b)1. A fenced area used in a contest or exhibition of mixed martial arts shall be held in a fenced area meeting the following requirements:

(a)1. The fenced area shall be circular or have equal sides and shall not be smaller than twenty (20) feet wide and not larger than thirty-two (32) feet wide.

(2)(a)2.a. The floor of the fenced area shall be padded with closed-cell foam, with at least a one (1) inch layer of foam padding and with a top covering of a single canvas, duck, or synthetic material tightly stretched and laced to the platform of the fenced area. **If the event is held outdoors, only canvas shall be used.**

(b)1.b. Material that tends to gather in lumps or ridges shall not be used.

(3)3. The platform of the fenced area shall not be more than six (6) feet above the floor of the building and shall have steps suitable for the use of the contestants.

(4)4. Fence posts shall be made of metal, shall not be more than six (6) inches in diameter, and shall extend from the floor of the building to between five (5) and seven (7) feet above the floor of the fenced area, and shall be properly padded.

(5)5. The fencing used to enclose the fenced area shall be made of a material that shall prevent a contestant from falling out of the fenced area or breaking through the fenced area onto the floor of the building or onto the spectators, and the fencing shall be

coated with vinyl or a similar covering to minimize injuries to a contestant.

(6)6. Any metal portion of the fenced area shall be properly covered and padded and shall not be abrasive to the unarmed combatants.

(7)7. The fenced area shall have at least one (1) entrance.

(8)8. There shall not be a protrusion or obstruction on any part of the fence surrounding the area in which the contestants are to compete.

(9) An event held outdoors while the temperature is or exceeds a heat index of 100 degrees Fahrenheit shall be conducted under a roof.

(10) A cage shall have a canvas mat.

Section 11. A bell or horn shall be used by the timekeeper to indicate the time.

Section 12. In addition to the cage and cage[ring and ring] equipment, the promoter shall supply the following items, which shall be available for use as needed:

(1) A public address system in good working order;

(2) Judges and timekeepers Chairs for judges and timekeepers elevated sufficiently to provide an unobstructed view of the cage and cage[ring and the ring] floor;

(3) Items for each contestant's corner, to include:

(a) A stool or chair;

(b) A clean bucket;

(c) Towels; and

(d) Rubber gloves;

(4) A complete set of numbered round-cards, if needed;

(5) A clean stretcher and a clean blanket, placed under or adjacent to the ring, throughout each program; and

(6) First aid oxygen apparatus or equipment.

Section 13. A scale used for [any] weigh-in shall be approved in advance by the authority to determine accuracy.

Section 14. (1) A promoter shall provide a minimum of two (2) security guards for the premises where shows are conducted and the locker rooms to ensure [to the satisfaction of the] authority that adequate protection against disorderly conduct has been provided.

(2) A disorderly act, assault, or breach of decorum on the part of a licensee at the premises shall be prohibited.

Section 15. (1) All emergency medical personnel and portable medical equipment shall be stationed at cageside[ringside] during the show.

(2) There shall be resuscitation equipment, oxygen, a stretcher, a certified ambulance, and an emergency medical technician on site for all contests.

(3) If the ambulance is required to leave the event [for any reason], a contest shall not be allowed to continue until an ambulance shall be once again present and medical personnel shall be cageside[ringside].

(4) Proof of ambulance coverage being scheduled shall be provided to the authority not less than two (2) business days before the show.

Section 16. (1) There shall be at least one (1) physician licensed by the authority at cageside[ringside] before a bout shall be allowed to begin.

(2) The physician shall have at cageside[ringside] [any] medical supplies necessary to provide first aid medical assistance for the type of injuries reasonably anticipated to occur in a mixed martial arts show.

Section 17. (1) A promoter shall provide insurance for the promoter's contestant for injuries sustained in the mixed martial arts show. Payment of a [any] deductible under the policy shall be the responsibility of the contestant not to exceed an expense of \$500. A [\$300. Any] deductible expense above \$500 [\$300] shall be the responsibility of the promoter.

(2) The minimum amount of coverage per contestant shall be \$5,000 health and \$5,000 accidental death benefits.

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(3) A certificate of insurance coverage shall be provided to the authority not less than two (2) business days before the show.

Section 18. (1) A promoter shall submit written notice to a local hospital with an on-call neurosurgeon that a mixed martial arts show is being held.

(2) This notice shall include the date, time, and location of the show.

(3) A copy of this notice shall be filed with the authority not less than two (2) business days before the show.

Section 19. Judges, physicians, referees, and timekeepers shall be selected, licensed, and assigned to each show by the authority. For each show, the authority shall assign:

(1) Three (3) judges;

(2) One (1) timekeeper;

(3) One (1) physician, unless more than eighteen (18) bouts are scheduled, in which case a minimum of two (2) physicians shall be required;

(4) One (1) referee, unless more than eighteen (18) bouts are scheduled, in which case a minimum of two (2) referees shall be required; and

(5) One (1) bout assistant.

Section 20. Unless the authority approves an exception:

(1) A nonchampionship contest or exhibition of mixed martial arts shall not exceed three (3) rounds in duration;

(2) A championship contest of mixed martial arts shall not exceed five (5) rounds in duration;

(3) A period of unarmed combat in a contest or exhibition of mixed martial arts shall be a maximum of three (3) minutes in duration, and a period of rest following a period of unarmed combat in a contest or exhibition of mixed martial arts shall be ninety (90) seconds in duration.

Section 21. Weight Classes of Contestants; Weight Loss After Weigh-in. (1) ~~[Except with the approval of the Authority,]~~ The classes for contestants competing in an amateur mixed martial arts show and the weights for each class shall be established in Table A.

Table A. Class and Weight Schedule	
CLASS	WEIGHT
Flyweight	Up to 125 lbs.
Bantamweight	Up to 135 lbs.
Featherweight	Up to 145 lbs.
Lightweight	Up to 155 lbs.
Welterweight	Up to 170 lbs.
Middleweight	Up to 185 lbs.
Light Heavyweight	Up to 205 lbs.
Heavyweight	Up to 265 lbs.
Super Heavyweight	Over 265 lbs.
[Table A. Class & Weight Schedule	
CLASS	WEIGHT
Flyweight	Up to 115 lbs.
Lightweight	116 to 125 lbs.
Super Lightweight	126 to 135 lbs.
Welterweight	136 to 147 lbs.
Middleweight	148 to 165 lbs.
Super Middleweight	166 to 174 lbs.
Light Heavyweight	175 to 189 lbs.
Cruiserweight	190 to 204 lbs.
Heavyweight	205 to 249 lbs.
Super Heavyweight	Over 249 lbs.]

(2) After the weigh-in of a contestant competing in an amateur mixed martial arts show:

(a) Weight gain in excess of six (6) pounds ~~shall not be~~<sup>is not</sup> permitted for a contestant who weighed in at 145 pounds or less; and

(b) Weight gain in excess of eight (8) pounds ~~shall not be~~<sup>is not</sup> permitted for a contestant who weighed in at over 145 pounds.

(3) The change in weight described in subsection (2) of this

section shall not occur later than two (2) hours after the initial weigh-in.

(4) A contestant shall not be allowed to fight more than one (1) weight class above his weight.

Section 22. Glove Specifications. (1) The promoter shall supply all gloves for the event.

(2) ~~Each contestant who weighs~~<sup>Contestants who weigh</sup> 145 or less shall wear gloves that ~~shall be~~<sup>are</sup> a minimum of four (4) ounces ~~each~~.

(3) ~~Each contestant who weighs~~<sup>Contestants who weigh</sup> 146 and above shall wear gloves that ~~shall be~~<sup>are</sup> a minimum of six (6) ounces and a maximum of eight (8) ounces ~~each~~.

(4) ~~Each contestant in a match~~<sup>Both contestants</sup> shall wear the same glove weight.

Section 23. The following shall be prohibited:

(1) "Battle royal" as defined in 201 KAR 27:005, Section 1(2); and

(2) Use of excessive grease or another substance that may handicap an opponent.

Section 24. (1) A professional mixed martial arts contestant found to be competing during an amateur mixed martial arts show shall ~~have his license~~<sup>be</sup> suspended for a period not less than one (1) year.

(2) A promoter who allows a professional to compete against ~~an amateur shall have his license~~<sup>a amateur shall be</sup> suspended for period not less than one (1) year.

Section 25. Contestants Repeatedly Knocked Out, Defeated, or Suspended. (1) A mixed martial arts contestant who has been repeatedly knocked out and severely beaten shall be retired and not permitted to compete again if, after ~~subjecting him to~~<sup>a</sup> thorough examination by a physician, the authority decides the action shall be necessary in order to protect the health and welfare of the contestant.

(2) A mixed martial arts contestant who has suffered six (6) consecutive defeats by knockout or technical knockout shall not be allowed to compete again until he has been investigated by the authority and examined by a physician licensed by the authority.

(3) A mixed martial arts contestant whose license is under administrative suspension in another jurisdiction resulting from a violation not established in this administrative regulation may be allowed to participate in a contest only after review and approval of the case by an inspector or employee of the authority.

(4) A mixed martial arts contestant who has been knocked out shall be prohibited from all mixed martial arts competition for sixty (60) days.

(5) ~~A~~<sup>Any</sup> mixed martial arts contestant who has suffered a technical knockout (TKO) may~~, at the discretion of the inspector,~~ be prohibited from mixed martial arts competition for up to thirty (30) days. In determining how many days to prohibit the contestant from mixed martial arts competition, the inspector shall consider the nature and severity of the injuries that resulted in the TKO.

(6)(a) ~~Each contestant~~<sup>All contestants</sup> shall receive a mandatory seven (7) day rest period from mixed martial arts competition after competing in an event with a maximum of three (3) bouts within a ~~twenty-four~~<sup>twenty-four</sup> (24) hour period.

(b) Day one (1) of the rest period shall commence on the first day following the ~~twenty-four~~<sup>twenty-four</sup> (24) hour period.

Section 26. (1) A person over the age of thirty-nine (39) shall not participate as a contestant in a mixed martial arts match without first submitting to a comprehensive physical performed by a physician licensed by the Authority as a ringside physician.

(2) The results of the physical and a medical authorization or release shall then be completed and submitted to the authority not later than fifteen (15) business days prior to the scheduled ~~board meeting~~<sup>bout</sup>.

Section 27. (1) A contestant shall produce one (1) form of picture identification. A contestant shall not assume or use the name of another~~;~~ and shall not change his ring name or be announced

by a name other than that ~~appearing~~~~[which appears]~~ on his license.

**(2) Each contestant and official**~~(3) All contestants and officials~~ shall check in with the authority not less than one (1) hour prior to the commencement of the event.

Section 28. A contestant shall not compete against a member of the opposite sex.

Section 29. (1) A contestant shall not use a belt that contains a metal substance during a bout.

(2) The belt shall not extend above the waistline of the contestant.

Section 30. A mixed martial arts contestant shall:

(1) Be clean, neatly clothed in proper ring attire, and the shorts of opponents shall be of distinguishing colors;

(2) Not wear shoes or ~~any~~padding on his feet during the contest;

(3) Wear a groin protector; and

(4) Wear a mouthpiece.

Section 31. (1) The authority may request that a contestant submit to a drug screen for controlled substances at the contestant's expense.

(2) If the drug screen indicates the presence within the contestant of controlled substances for which the contestant does not have a valid prescription, or if the contestant refuses to submit to the test, the authority shall suspend or revoke the license of the contestant, or the authority shall impose a fine upon the contestant, or both.

**(3)(a)[4.]** The administration of or use of any of the following shall ~~be~~~~is~~ prohibited in any part of the body, either before or during a contest or exhibition:

**1.[(a)]** Alcohol;

**2.[(b)]** Stimulant; or

**3.[(c)]** Drug or injection that has not been approved by the authority, including~~[, but not limited to,]~~ the drugs or injections listed in **paragraph (b) of this subsection.**

**(b)[subsection 2.]**

**2.]** The following types of drugs, injections, or stimulants shall be prohibited:

**1.[or stimulants are prohibited pursuant to subsection 1:]**

**(a)]** Afrinol or ~~another~~~~[any other]~~ product ~~[that is]~~pharmaceutically similar to Afrinol;

**2.[-(b)]** Co-Tylenol or ~~another~~~~[any other]~~ product ~~[that is]~~pharmaceutically similar to Co-Tylenol;

**3.[-(c)]** A product containing an antihistamine and a decongestant;

**4.[-(d)]** A decongestant other than a decongestant listed in **paragraph (d) of this subsection;**

**5. An[subsection 4.]**

**(e) Any]** over-the-counter drug for colds, coughs, or sinuses other than those drugs listed in **paragraph (d) of this subsection**~~[subsection 4]. This paragraph includes[, but is not limited to,]~~ Ephedrine, Phenylpropanolamine, and Mahuang and derivatives of Mahuang; **and**

**6. A[-(f) Any]** drug identified on the most current edition of the Prohibited List published by the World Anti-Doping Agency~~[, which is hereby adopted by reference].~~ The most current edition of the Prohibited List may be obtained, free of charge, at the Internet address [www.wada-ama.org](http://www.wada-ama.org);

**(c)[-3.]** The following types of drugs or injections are not prohibited:

**1.[pursuant to subsection 1, but their use is discouraged by the Commission:**

**(a)]** Aspirin and products containing aspirin; **and**

**2.[-(b)]** Nonsteroidal anti-inflammatories;

**(d)[-4.]** The following types of drugs or injections are approved by the authority:

**1.[Commission: (a)]** Antacids, such as Maalox;

**2.[-(b)]** Antibiotics, antifungals, or antivirals that have been prescribed by a physician;

**3.[-(c)]** Antidiarrheals, such as Imodium, Kaopectate, or

Pepto-Bismol;

**4.[-(d)]** Antihistamines for colds or allergies, such as Bromphen, Brompheniramine, Chlorpheniramine Maleate, Chlor-Trimeton, Dimetane, Hismal, PBZ, Seldane, Tavist-1, or Teldrin;

**5.[-(e)]** Antinauseants, such as Dramamine or Tigan;

**6.[-(f)]** Antipyretics, such as Tylenol;

**7.[-(g)]** Antitussives, such as Robitussin, if the antitussive does not contain codeine;

**8.[-(h)]** Antiulcer products, such as Carafate, Pepcid, Reglan, Tagamet, or Zantac;

**9.[-(i)]** Asthma products in aerosol form, such as Brethine, Metaproterenol (Alupent), or Salbutamol (Albuterol, Proventil, or Ventolin);

**10.[-(j)]** Asthma products in oral form, such as Aminophylline, Cromolyn, Nasalide, or Vanceril;

**11.[-(k)]** Ear products, such as Auralgan, Cerumenex, Cortisporin, Debrox, or Vosol;

**12.[-(l)]** Hemorrhoid products, such as Anusol-HC, Preparation H, or Nupercainal;

**13.[-(m)]** Laxatives, such as Correctol, Doxidan, Dulcolax, Efferyllium, Ex-Lax, Metamucil, Modane, or Milk of Magnesia;

**14.[-(n)]** Nasal products, such as AYR Saline, HuMist Saline, Ocean, or Salinex; **and**

**15.[-(o)]** The following decongestants:

**a.[(1)]** Afrin;

**b.[(2)]** Oxymetazoline HCL Nasal Spray; or

**c. Another[(3) Any other]** decongestant ~~[that is]~~pharmaceutically similar to a decongestant listed in **clauses a. or b. of this subparagraph.**

**(e)[subparagraph (1) or (2):**

**5.]** An unarmed combatant shall submit to a urinalysis or chemical test before or after a contest or exhibition if the authority or a representative of the authority directs him to do so.

**(f)[6:]** A licensee who violates ~~a~~~~any]~~ provision of this section shall ~~be~~~~is~~ subject to disciplinary action by the authority. In addition to any other disciplinary action by the authority, if an unarmed combatant who won or drew a contest or exhibition is found to have violated the provisions of this section, the authority may~~[, in its sole discretion,]~~ change the result of that contest or exhibition to a no decision.

Section 32. (1) A contestant who has made a commitment to participate in an amateur mixed martial arts show and is unable to participate~~[, for any reason,]~~ shall notify the promoter of the inability to participate not less than seven (7) days prior to the event.

(2) Failure to notify the promoter within the seven (7) days may result in immediate suspension, pending investigation by the authority, and further disciplinary action may be taken by the authority.

Section 33. A mixed martial arts promoter, official, or contestant whose license is suspended or revoked due to disciplinary actions shall be prohibited from attending all mixed martial arts events sanctioned by the authority during the term of the suspension or revocation.

Section 34. Method of Judging. (1) Each judge of a contest or exhibition of mixed martial arts shall score the contest or exhibition and determine the winner through the use of the following system:

(a) The better contestant of a round receives ten (10) points and the opponent proportionately less.

(b) If the round is even, each contestant receives ten (10) points.

(c) A fraction of points shall not be given.

(d) Points for each round shall be awarded immediately after the end of the period of unarmed combat in the round.

(2) After the end of the contest or exhibition, the announcer shall pick up the scores of the judges from the authority's desk.

(3) The majority opinion shall be conclusive and, if there is not a majority, the decision shall be a draw.

(4)(a) After the authority's representative has checked the scores, the representative shall inform the announcer of the decision.

(b) The announcer shall then inform the audience of the deci-

sion over the speaker system.

(5) Unjudged exhibitions may be permitted with the prior approval of the authority.

Section 35. The following moves shall be~~are~~ prohibited~~in amateur mixed martial arts shows~~:

(1) Elbow strikes to the head shall not be allowed~~[at any time]~~.

(2) Knees to the head shall be permitted but shall only be used and delivered from a standing position.

Section 36. The following acts constitute fouls in mixed martial arts:

(1) Butting with the head;

(2) Eye gouging~~[of any kind]~~;

(3) Biting;

(4) Hair pulling;

(5) Fishhooking.

(6) Groin attacks~~[of any kind]~~;

(7) Putting a finger into any orifice or ~~[into any]~~ cut or laceration on an opponent;

(8) Small joint manipulation;

(9) Striking to the spine or the back of the head;

(10) Striking downward using the point of the elbow;

(11) Throat strikes~~[of any kind]~~, including grabbing the trachea;

(12) Clawing, pinching, or twisting the opponent's flesh;

(13) Grabbing the clavicle;

(14) Kicking the head of a grounded opponent;

(15) Kneeing the head of a grounded opponent;

(16) Stomping the head of a grounded opponent;

(17) Kicking to the kidney with the heel;

(18) Spiking an opponent to the canvas on his head or neck;

(19) Throwing an opponent out of the ~~[ring or]~~ fenced area;

(20) Holding the shorts of an opponent;

(21) Spitting at an opponent;

(22) Engaging in ~~[any]~~ unsportsmanlike conduct that causes an injury to an opponent;

(23) Holding ~~[the ropes or]~~ the fence;

(24) Using abusive language in the ~~[ring or]~~ fenced area;

(25) Attacking an opponent on or during the break;

(26) Attacking an opponent who is under the care of the referee;

(27) Attacking an opponent after the bell has sounded the end of the period of unarmed combat;

(28) Disregarding the instructions of the referee;

(29) Timidity, such as~~[including avoiding contact with an opponent]~~, intentionally or consistently dropping the mouthpiece or faking an injury;

(30) Interference by the corner; or

(31) The throwing by a contestant's corner staff of objects into the ring during competition.

Section 37. (1)(a) If a contestant fouls his opponent during an amateur mixed martial arts show, the referee may penalize him by deducting points from his score depending on the type and severity of the foul, regardless of if~~whether or not~~ the foul was intentional or not.

(b) The referee shall determine the number of points to be deducted in each instance and shall base the determination on the severity of the foul and its effect upon the opponent.

(2) If the referee determines that it is necessary to deduct a point or points because of a foul, the referee shall warn the offender of the penalty to be assessed.

(3) The referee shall, as soon as is practical after the foul, notify the judges and both contestants of the number of points, if any, to be deducted from the score of the offender.

(4) A point or points to be deducted for a foul shall be deducted in the round in which the foul occurred and shall not be deducted from the score of a~~any~~ subsequent round.

Section 38. (1)(a) If a bout of amateur mixed martial arts is stopped because of an accidental foul, the referee shall determine if~~whether~~ the contestant who has been fouled is able to continue~~[or not]~~.

(b) If the contestant's chance of winning has not been seriously

jeopardized as a result of the foul, and if the foul does not involve a concussive impact to the head of the contestant who has been fouled, the referee may order the bout continued after a recuperative interval of not more than five (5) minutes.

(c) Immediately after separating the contestants, the referee shall inform the authority's representative of the determination that the foul was accidental.

(2) If the referee determines that a bout of amateur mixed martial arts shall not continue because of an injury suffered as the result of an accidental foul, the bout shall be declared a "no contest" if the foul occurs during:

(a) The first two (2) rounds of a bout that is scheduled for three (3) rounds or less; or

(b) The first three (3) rounds of a bout that is scheduled for five (5) rounds.

(3) If an accidental foul renders a contestant unable to continue the bout, the outcome shall be determined by scoring the completed rounds, including the round in which the foul occurs, if the foul occurs after:

(a) The completed second round of a bout that is scheduled for three (3) rounds; or

(b) The completed third round of a bout that is scheduled for five (5) rounds.

(4) If an injury inflicted by an accidental foul later becomes aggravated by fair blows and the referee orders the bout stopped because of the injury, the outcome shall be determined by scoring the completed rounds and the round during which the referee stops the bout.

(5) A contestant committing a foul may be issued a violation by the inspector or employee of the authority, based on the seriousness of the foul.

Section 39. A contest of amateur mixed martial arts may end in the following ways:

(1) Submission by:

(a) Physical tap out; or

(b) Verbal tap out;

(2) Technical knockout by the referee or physician stopping the contest;

(3) Decision via the scorecards, including:

(a) Unanimous decision;

(b) Split decision;

(c) Majority decision; or

(d) Draw, including:

1. Unanimous draw;

2. Majority draw; or

3. Split draw;

(4) Technical decision;

(5) Technical draw;

(6) Disqualification;

(7) Forfeit; or

(8) No contest.

Section 40. Within twenty-four (24) hours of the conclusion of a event, the promoter shall, pursuant to KRS 229.031(1), complete and submit to the authority the form [Amateur]MMA Event Report.

Section 41. In addition to the other requirements in this administrative regulation, the following requirements shall apply to bouts between female contestants:

(1) A contestant shall not wear facial cosmetics during the bout;

(2) A contestant with long hair shall secure her hair with soft and nonabrasive material;

(3) Weight classes shall be those established in Section 21 of this administrative regulation;

(4) A contestant shall wear a properly-fitted mouthpiece;

(5) A contestant shall wear a jersey top and shorts;

(6)(a) A contestant shall provide the results of a pregnancy test indicating a negative finding that was taken within one (1) week prior to the bout.

(b) These results shall be submitted to the authority not less than twenty-four (24) hours prior to the show; and~~[-]~~

(7) A promoter shall provide a separate locker room~~[room(s)]~~

for females.

Section 42. A contestant shall submit HIV Antibody and Hepatitis B Antigen and Hepatitis C Antibody test results at or before pre-fight physical upon request.

(1) The results of these tests shall be no more than 365 days old.

(2) A person with a positive test result[positive test results] shall not be allowed to fight.

Section 43. A promoter shall maintain an account with the recognized national database as identified by the authority[,] and shall submit contestants names to that database upon approval of the show date. The promoter shall be responsible for the costs associated with the use of this service.

Section 44. All non-sanctioned activities such as[,] including but not limited to[,] concerts, shall be completed prior to the scheduled start time of the event.

Section 45[42:] Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for Amateur Mixed Martial Arts Contestant License", 10/11[9/08];

(b) "[Amateur]MMA Show Notice Form", 3/12[10/11][9/08]; and

(c) "[Amateur]MMA Event Report", 10/11[9/08].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Boxing and Wrestling Authority office at 500 Mero Street, Capitol Plaza Tower, Room 509, Frankfort, Kentucky 40601[400 Airport Road, Frankfort, Kentucky 40604,], Monday through Friday, 8 a.m. to 4:30 p.m.

GEORGE GINTER, Board Chair

ROBERT D. VANCE, Secretary

APPROVED BY AGENCY: February 15, 2012

FILED WITH LRC: February 15, 2012 at 11 a.m.

CONTACT PERSON: Angela Robertson, 500 Mero Street, Capitol Plaza Tower, Room 509, Frankfort, Kentucky, 40601, phone (502) 564-0085, fax (502) 564-3969.

#### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michael West

(1) Provide a brief summary of

(a) What this administrative regulation does: This regulation establishes requirements for MMA contests.

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions KRS 229.171(2)(a).

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by establishing procedures and requirements for MMA contests.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment will eliminate the option of a ring, require greater security, require a promoter to pay an insurance deductible if necessary, provide more specific requirements relate to drug usage, and impose other requirements.

(b) The necessity of the amendment to this administrative regulation: The necessity of amendment is to protect contestants from injury.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the regulation authorizing the Authority to regulate this profession and sport.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will protect the health of licensees

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 871 amateur mma licen-

sees.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: None

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Costs will be minimal if any. In some instances it may cost less to rent a cage as opposed to a ring. With regard to the health insurance procurement, promoters may incur higher premiums for health coverage of their contestants or may incur greater medical expenses in the event that a contestant is injured. However, these costs may not increase depending on the type of coverage that was previously elected. The Authority seeks to avoid allowing contestants to be inadequately protected while balancing that interest against the interest of the contestant in having all minor injuries treated by a medical professional where such may not be necessary.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Their health will be protected.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No new costs will be incurred by the changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by licensees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees will be required to implement this administrative regulation amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish fees.

(9) TIERING: Is tiering applied? Tiering is not applied to this regulation because there is no need for tiering.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Boxing and Wrestling Authority

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 229.171(2)(a)

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? None

(d) How much will it cost to administer this program for subsequent years? None

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

**CABINET FOR HEALTH AND FAMILY SERVICES**  
**Department for Medicaid Services**  
**Commissioner's Office**  
**(Amended After Comments)**

**907 KAR 17:005. Managed care organization requirements and policies.**

RELATES TO: 194A.025(3)

STATUTORY AUTHORITY: KRS 194A.010(1), 194A.025(3), 194A.030 (2), 194A.050(1), 205.520(3), 205.560, 42 U.S.C. 1396n(b), and 42 C.F.R. Part 438

NECESSITY, FUNCTION, AND CONFORMITY: The Cabinet for Health and Family Services, Department for Medicaid Services, has responsibility to administer the Medicaid Program. KRS 205.520(3) authorizes the cabinet, by administrative regulation, to comply with a requirement that may be imposed or opportunity presented by federal law to qualify for federal Medicaid funds. This administrative regulation establishes the policies and procedures relating to the provision of Medicaid services through contracted managed care organizations pursuant to, and in accordance with, 42 U.S.C. 1396n(b) and 42 C.F.R. Part 438.

Section 1. Definitions. (1) "1915(c) home and community based waiver program" means a Kentucky Medicaid program established pursuant to, and in accordance with, 42 U.S.C. 1396n(c).

(2) "Adverse action" means:

(a) The denial or limited authorization of a requested service, including the type or level of service;

(b) The reduction, suspension, or termination of a previously authorized service;

(c) The denial, in whole or in part, of payment for a service;

(d) The failure to provide services in a timely manner; or

(e) The failure of a managed care organization to act within the timeframes provided in 42 C.F.R. 438.408(b).

(3) "Advanced practice registered nurse" is defined by KRS 314.011(7).

(4) "Aged" means at least sixty-five (65) years of age.

(5) "Appeal" means a request for review of an adverse action or a decision by an MCO related to a covered service.

(6) "Behavioral health service" means a clinical, rehabilitative, or support service in an inpatient or outpatient setting to treat a mental illness, emotional disability, or substance abuse disorder.

(7) "Blind" is defined by 42 U.S.C. 1382c(a)(2).

(8) "Capitation payment" means the total per enrollee, per month payment amount the department pays an MCO.

(9) "Capitation rate" means the negotiated amount to be paid on a monthly basis by the department to an MCO:

(a) Per enrollee; and

(b) Based on the enrollee's aid category, age, and gender.

(10) "Care coordination" means the integration of all processes in response to an enrollee's needs and strengths to ensure the:

(a) Achievement of desired outcomes; and

(b) Effectiveness of services.

(11) "Case management" means a collaborative process that:

(a) Assesses, plans, implements, coordinates, monitors, and evaluates the options and services required to meet an enrollee's health and human service needs;

(b) Is characterized by advocacy, communication, and resource management; ~~and~~

(c) Promotes quality and cost-effective interventions and outcomes; ~~and~~

**(d) Is in addition to and not in lieu of targeted case management for:**

**1. Adults with a chronic mental illness pursuant to 907 KAR 1:515; or**

**2. Children with a serious emotional disability pursuant to 907 KAR 1:525.**

(12) "CHFS OIG" means the Cabinet for Health and Family Services, Office of Inspector General.

(13) "Child" means a person who:

(a)1. Is under the age of eighteen (18) years;

2.a. Is a full-time student in a secondary school or the equivalent level of vocational or technical training; and

b. Is expected to complete the program before the age of nineteen (19) years;

3. Is not self supporting;

4. Is not a participant in any of the United States Armed Forces; and

5. If previously emancipated by marriage, has returned to the home of his or her parents or to the home of another relative;

(b) Has not attained the age of nineteen (19) years in accordance with 42 U.S.C. 1396a(l)(1)(D); or

(c) Is under the age of nineteen (19) years if the person is a KCHIP recipient.

(14) "Chronic Illness and Disability Payment System" is a diagnostic classification system that Medicaid programs can use to make health-based, capitated payments for TANF and disabled Medicaid beneficiaries.

(15) "Commission for Children with Special Health Care Needs" or "CCSHCN" means the Title V agency which provides specialty medical services for children with specific diagnoses and health care needs that make them eligible to participate in programs sponsored by the CCSHCN, including the provision of medical care.

(16) "Community mental health center" means a facility which meets the community mental health center requirements established in 902 KAR 20:091.

(17) "Consumer Assessment of Healthcare Providers and Systems" or "CAHPS"

means a program that develops standardized surveys that ask consumers and patients to report on and evaluate their experiences with health care.

(18) "Court-ordered commitment" means an involuntary commitment by an order of a court to a psychiatric facility for treatment pursuant to KRS Chapter 202A.

(19) "DAIL" means the Department for Aging and Independent Living.

(20) "DCBS" means the Department for Community Based Services.

(21) "Department" means the Department for Medicaid Services or its designee.

(22) "Disabled" is defined by 42 U.S.C. 1382c(a)(3).

(23) "DSM-IV" means a manual published by the American Psychiatric Association that covers all mental health disorders for both children and adults.

(24) "Dual eligible" means an individual eligible for Medicare and Medicaid benefits.

(25) "Early and periodic screening, diagnosis and treatment" or "EPSDT" is defined by 42 C.F.R. 440.40(b).

(26) "Emergency services" is defined by 42 U.S.C. 1396u-2(b)(2)(B).

(27) "Encounter" means a health care visit of any type by an enrollee to a provider of care, drugs, items, or services.

(28) "Enrollee" means a recipient who is enrolled with a managed care organization for the purpose of receiving Medicaid or KCHIP covered services.

(29) "External quality review organization" or "EQRO":

(a) Is defined by 42 C.F.R. 438.320; and

(b) Includes any affiliate or designee of the EQRO.

(30) "Family planning service" means a counseling service, medical service, or

a pharmaceutical supply or device to prevent or delay pregnancy.

(31) "Federally-qualified health center" or "FQHC" is defined by 42 C.F.R. 405.2401(b).

(32) "Fee-for-service" means a reimbursement model in which a health insurer reimburses a provider for each service provided to a recipient.

(33) "Foster care" **is defined by KRS 620.020(5)** ~~means the DCBS program which provides temporary care for a child:~~

~~(a) Placed in the custody of the Commonwealth of Kentucky; and~~

~~(b) Who is waiting for a permanent home].~~

(34) "Fraud" means any act that constitutes fraud under applicable federal law or KRS 205.8451 – KRS 205.8483.

(35) "Grievance" is defined by 42 C.F.R. 438.400.

(36) "Grievance system" means a system that includes a grievance process, an appeal process, and access to the Commonwealth of Kentucky's fair hearing system.

(37) "Healthcare Effectiveness Data and Information Set" or "HEDIS" means a tool used to measure performance regarding important dimensions of health care or services.

(38) "Health maintenance organization" is defined by KRS 304.38-030(5).

(39) "Health risk assessment" or "HRA" is a health questionnaire used to provide individuals with an evaluation of their health risks and quality of life.

(40) "Homeless individual" means an individual who:

(a) Lacks a fixed, regular, or nighttime residence;

(b) Is at risk of becoming homeless in a rural or urban area because the residence is not safe, decent, sanitary, or secure;

(c) Has a primary nighttime residence at a:

1. Publicly or privately operated shelter designed to provide temporary living accommodations; or

2. Public or private place not designed as regular sleeping accommodations; or

(d) Is an individual who lacks access to normal accommodations due to violence or the threat of violence from a cohabitant.

(43) "Individual with a special health care need" or "ISHCN" means an individual who:

(a) Has, or is at a high risk of having, a chronic physical, developmental, behavioral, neurological, or emotional condition; and

(b) May require a broad range of primary, specialized, medical, behavioral health, or related services.

(41) "Initial implementation" means the process of transitioning a current Medicaid or KCHIP recipient from fee-for-service into managed care.

(42) "KCHIP" means the Kentucky Children's Health Insurance Program administered in accordance with 42 U.S.C. 1397aa to jj.

(43) "Kentucky Health Information Exchange" or "KHIE" means the name given to the system that will support the statewide exchange of health information among healthcare providers and organizations according to nationally-recognized standards.

(44) "Knowingly" is defined by KRS 205.8451(5).

(45) "Managed care organization" or "MCO" means an entity for which the Department for Medicaid Services has contracted to serve as managed care organization as defined in 42 C.F.R. 438.2.

(46) "Maternity care" means prenatal, delivery and postpartum care and includes care related to complications from delivery.

(47) "Mandatory enrollment" means the requirement that a recipient enroll in managed care.

(48) "Marketing" means any activity conducted by or on behalf of an MCO in which information regarding the services offered by the MCO is disseminated in order to educate enrollees or potential enrollees about the MCO's services.

(49) "Medicaid works individual" means an individual who:

(a) But for earning in excess of the income limit established under 42 U.S.C. 1396d(q)(2)(B), would be considered to be receiving SSI benefits;

(b) Is at least sixteen (16), but less than sixty-five (65), years of age;

(c) Is engaged in active employment verifiable with:

1. Paycheck stubs;

2. Tax returns;

3. 1099 forms; or

4. Proof of quarterly estimated tax;

(d) Meets the income standards established in 907 KAR 1:640; and

(e) Meets the resource standards established in 907 KAR 1:645.

(50) "Medically necessary" means that a covered benefit is determined to be needed in accordance with 907 KAR 3:130.

(51) "Medical record" means a single, complete record that documents all of the treatment plans developed for, and medical services received by, an individual.

(52) "Medicare qualified individual group 1 (QI-1)" means an eligibility category, in which pursuant to 42 U.S.C. 1396a(a)(10)(E)(iv), an individual who would be a Qualified Medicaid beneficiary but for the fact that the individual's income:

(a) Exceeds the income level established in accordance with 42 U.S.C. 1396d(p)(2); and

(b) Is at least 120 percent, but less than 135 percent, of the federal poverty level for a family of the size involved and who are not otherwise eligible for Medicaid under the state plan.

(53) "National Practitioner Data Bank" is an electronic repository that collects:

(a) Information on adverse licensure activities, certain actions restricting clinical privileges, and professional society membership actions taken against physicians, dentists and other practitioners; and

(b) Data on payments made on behalf of physicians in connection with liability settlements and judgments.

(54) "Nonqualified alien" means a resident of the United States of America who does not meet the qualified alien requirements.

(55) "Nursing facility" means

(a) A facility:

1. To which the state survey agency has granted a nursing facility license;

2. For which the state survey agency has recommended to the department certification as a Medicaid provider; and

3. To which the department has granted certification for Medicaid participation; or

(b) A hospital swing bed that provides services in accordance with 42 U.S.C. 1395tt and 1396l, if the swing bed is certified to the department as meeting requirements for the provision of swing bed services in accordance with 42 U.S.C. 1396r(b), (c), and (d) and 42 C.F.R. 447.280 and 482.66.

(56) "Olmstead decision" means the court decision of *Olmstead v. L.C. and E.W.*, U.S. Supreme Court, No. 98-536, June 26, 1999 in which the U.S. Supreme Court ruled, "For the reasons stated, we conclude that, under Title II of the ADA, States are required to provide community-based treatment for persons with mental disabilities when the State's treatment professionals determine that such placement is appropriate, the affected persons do not oppose such treatment, and the placement can be reasonably accommodated, taking into account the resources available to the State and the needs of others with mental disabilities."

(57) "Open enrollment" means an annual period during which an enrollee can choose a different MCO.

(58) "Out-of-network provider" means a person or entity that has not entered into a participating provider agreement with an MCO or any of the MCO's subcontractors.

(59) "Physician" is defined by KRS 311.550(12).

(60) "Post stabilization services" means covered services related to an emergency medical condition that are provided to an enrollee:

(a) After an enrollee is stabilized in order to maintain the stabilized condition; or

(b) Under the circumstances described in 42 C.F.R. 438.114(e) to improve or resolve the enrollee's condition.

(61) "Primary care center" means an entity that meets the primary care center requirements established in 902 KAR 20:058.

(62) "Primary care provider" means a licensed or certified health care practitioner

who meets the description as established in Section 7(6) of this administrative regulation.

(63) "Prior authorization" means the advance approval by an MCO of a service or item provided to an enrollee.

(64) "Provider" means any person or entity under contract with an MCO or its contractual agent that provides covered services to enrollees.

(64) "Provider network" means the group of physicians, hospitals, and other medical care professionals that a managed care organization has contracted with to deliver medical services to its enrollees.

(65) "Quality improvement" or "QI" means the process of assuring that covered services provided to enrollees are appropriate, timely, accessible, available, and medically necessary and the level of performance of key processes and outcomes of the healthcare delivery system are improved through the MCO's policies and procedures.

(66) "Qualified alien" means an alien who, at the time of applying for or receiving Medicaid benefits, meets the require-

**ments established in 907 KAR 1:011, Section 5(12)** [individual who is lawfully admitted into the United States of America for permanent residence under Title 8 of the United States Code (The Immigrant and Nationality Act) including:

- (a) An asylee;
- (b) A refugee;
- (c) An individual who:

- 1. Has been paroled into the United States of America for a period of one (1) year;
- 2. Has had his or her deportation withheld;
- 3. Has been granted conditional entry into the United States of America; or
- 4. Is a Cuban or Haitian entrant who was receiving Medicaid benefits on August 22, 1996; or
- (d) A battered immigrant].

(67) "Qualified disabled and working individual" is defined by 42 U.S.C. 1396d(s).

(68) "Qualified Medicare beneficiary" or "QMB" is defined by 42 U.S.C. 1396d(p)(1).

(69) "Recipient" is defined in KRS 205.8451(9).[;]

(70) "Risk adjustment" means a corrective tool to reduce both the negative financial consequences for a managed care organization that enrolls high-risk users and the positive financial consequences for a managed care organization that enrolls low-risk users.

(71) "Rural area" means an area not in an urban area.

(72) "Rural health clinic" is defined by 42 C.F.R. 405.2401(b).

(73) **"Specialist" means a provider who provides specialty care.**

**(74) "Specialty care" means care or a service that is provided by a provider who is not:**

**(a) A primary care provider; or**

**(b) Acting in the capacity of a primary care provider while providing the service.**

**(75)** "Specified low-income Medicare beneficiary" means an individual who meets the requirements established in 42 U.S.C. 1396a(a)(10)(E)(iii).

**(76)** [(74)] "State fair hearing" means an administrative hearing provided by the Cabinet for Health and Family Services pursuant to KRS Chapter 13B and **907 KAR 1:563** [907-KAR-1:560].

**(77)** [(75)] "State-funded adoption assistance" is defined by KRS 199.555(2).

**(78)** [(76)] "State plan" is defined by 42 C.F.R. 400.203.

**(79)** [(77)] "Subcontract" means an agreement entered into, directly or indirectly, by an MCO to arrange for the provision of covered services, or any administrative, support or other health service, but does not include an agreement with a provider.

**(80)** [(78)] "Supplemental security income benefits" or "SSI benefits" is defined by 20 C.F.R. 416.2101.

**(81)** [(79)] "Teaching hospital" means a hospital which has a teaching program approved as specified in 42 U.S.C. 1395x (b)(6).

**(82)** [(80)] "Temporary Assistance for Needy Families" or "TANF" means a block grant program which:

- (a) Succeeded AFDC; and
- (b) Is designed to:

- 1. Assist needy families so that children can be cared for in their own homes;
- 2. Reduce the dependency of needy parents by promoting job preparation, work, and marriage;
- 3. Prevent out-of-wedlock pregnancies; and
- 4. Encourage the formation and maintenance of two-parent families.

**(83)** [(81)] "Third party liability resource" means a resource available to an enrollee for the payment of expenses:

- (a) Associated with the provision of covered services; and
- (b) That does not include amounts exempt under Title XIX of the Social Security Act.

**(84)** [(82)] "Transport time" means travel time:

- (a) Under normal driving conditions; and
- (b) With no extenuating circumstances.

**(85)** [(84)] Urban area" is defined by 42 C.F.R. 412.62(f)(1)(ii).

**(86)** [(85)] "Urgent care" means care for a condition not likely to cause death or lasting harm but for which treatment should not wait for a normally scheduled appointment.

**(87)** [(86)] "Ward" is defined in KRS 387.510(15).

**(88)** [(87)] "Women, Infants and Children program" means a federally-funded health and nutrition program for women, infants, and children.

Section 2. Enrollment of Medicaid or KCHIP Recipients into Managed Care. (1) Enrollment into a managed care organization shall be mandatory for a Medicaid or a KCHIP recipient except as established in subsection (3) of this section.

(2) The provisions in this administrative regulation shall be applicable to a:

- (a) Medicaid recipient; or
- (b) KCHIP recipient.

(3) The following shall not be required to enroll into a managed care organization:

(a) A recipient who resides in:

1. A nursing facility for more than thirty (30) days; or

2. An intermediate care facility for individuals with mental retardation or a developmental disability **for more than thirty (30) days; or;**

(b) A recipient who is:

1. Determined to be eligible for Medicaid benefits due to a nursing facility admission;

2. Enrolled in another managed care program in accordance with 907 KAR 1:705;

3. Receiving:

a. Services through the breast and cervical cancer program pursuant to 907 KAR 1:805;

b. Medicaid benefits in accordance with the spend-down policies established in 907 KAR 1:640;

c. Services through a 1915(c) home and community based services waiver program;

d. Hospice services in a nursing facility or intermediate care facility for individuals with mental retardation or a developmental disability; or

e. Medicaid benefits as a Medicaid Works individual;

4. A Qualified Medicare beneficiary **who is not otherwise eligible for Medicaid benefits;**

5. A specified low income Medicare beneficiary **who is not otherwise eligible for Medicaid benefits;**

6. A Medicare qualified individual group 1 (QI-1) individual;

7. A qualified disabled and working individual;

8. A qualified alien eligible for Medicaid benefits for a limited period of time; or

9. A nonqualified alien eligible for Medicaid benefits for a limited period of time.

(4)(a) Except for a child in foster care, a recipient who is eligible for enrollment into managed care shall be enrolled with an MCO that provides services to an enrollee whose primary residence is within the MCO's service area.

(b) A child in foster care shall be enrolled with an MCO in the county where the child's DCBS case is located.

(5)(a) During the department's initial implementation of managed care in accordance with this administrative regulation, the department shall assign a recipient to an MCO based upon an algorithm that considers:

- 1. Continuity of care;
- 2. Enrollee preference of MCO or of an MCO provider; and
- 3. Cost.

(b) An assignment shall focus on a need of a child or an individual with a special health care need.

~~(6)(a) [A recipient shall have fourteen (14) calendar days from the date of the written notification of the MCO assignment referenced in subsection (5) of this section to choose a different MCO.]~~

~~(7)(a)]~~ A newly eligible recipient or a recipient who has had a break in eligibility of greater than two months, shall have an opportunity to choose an MCO during the eligibility application process.

(b) If a recipient does not choose an MCO during the eligibility application process, the department shall assign the recipient to an MCO.

~~(7)]~~ [(8)] Each member of a household shall be assigned to the same MCO.

~~(8)]~~ [(9)] The effective date of enrollment for a recipient described in subsection (7) of this section shall be:



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(a) The date of Medicaid eligibility; and

(b) No earlier than November 1, 2011.

**(9)(10)** A recipient shall be given a choice of MCOs, but not less than two (2).

**(10)(11)** A recipient enrolled with an MCO who loses Medicaid eligibility for less than two (2) months shall be automatically reenrolled with the same MCO upon redetermination of Medicaid eligibility unless the recipient moves to a county in region three (3) as established in Section 28 of this administrative regulation.

**(11)(12)** A newborn who has been deemed eligible for Medicaid shall be automatically enrolled with the newborn's mother's MCO as an individual enrollee for up to sixty (60) days.

**(12)(a)(13)** An enrollee may change an MCO for any reason, regardless of whether the MCO was selected by the enrollee or assigned by the department:

**1.(a)** Within ninety (90) days of the effective date of enrollment; and

**2.a.(b)1-4.** Annually during an open enrollment period that shall be at the time of an enrollee's recertification for Medicaid eligibility; or

**b.2.** Annually during the month of birth for an enrollee who receives SSI benefits;

**3.(e)** Upon automatic enrollment under subsection (11) of this section, if a temporary loss of Medicaid eligibility caused the recipient to miss the annual opportunity in paragraph (b) of this subsection; and

**4.(d)** When the Commonwealth of Kentucky imposes an intermediate sanction specified in 42 C.F.R. 438.702(a)(3).

**(b) An MCO shall accept an enrollee who changes MCOs under this Section of this administrative regulation.**

**(13)(14)** Only the department shall have the authority to enroll a Medicaid recipient with a MCO in accordance with this section.

**(14)(15)** Upon enrollment with an MCO, an enrollee shall receive two (2) identification cards:

(a) A card shall be issued from the department that shall verify Medicaid eligibility; and

(b) A card shall be issued by the MCO that shall verify enrollment with the MCO.

**(15)(a)(16)(a)** Within five (5) business days after receipt of notification of a new enrollee, an MCO shall send, by a method that shall not take more than three (3) days to reach the enrollee, a confirmation letter to an enrollee.

(b) The confirmation letter shall include at least the following information:

1. The effective date of enrollment;
2. Name, location and contact information of PCP;
3. How to obtain a referral;
4. Care coordination;
5. The benefits of preventive health care;
6. Enrollee identification card;
7. A member handbook; and
8. A list of covered services.

**(16)(17)** Enrollment with an MCO shall be without restriction.

**(17)(18)** An MCO shall:

- (a) Have continuous open enrollment for new enrollees; and
- (b) Accept enrollees regardless of overall enrollment.

**(18)(a)(19)(a)** A recipient eligible to enroll with an MCO shall be enrolled beginning with the first day of the month that the enrollee applied for Medicaid with the exception of:

1. A newborn who shall be enrolled beginning with their date of birth;
2. An unemployed parent who shall be enrolled beginning with the date unemployed parent meets the definition of unemployment in accordance with 45 C.F.R. 233.100; or
3. An enrollee who shall be retro-actively determined eligible for Medicaid.

(b)**1.** Retro-active eligibility shall be for a period up to three (3) months prior to the month that the enrollee applied for Medicaid.

**2. The department shall be responsible for reimbursing for services provided to an individual determined to be retroactively eligible for any portion of the retroactive eligibility period which occurred prior to November 1, 2011 if the individual has a retroactive eligibility period prior to November 1, 2011.**

**3. A retroactive eligible individual's MCO shall be respon-**

**sible for reimbursing for services provided to an individual determined to be retroactively eligible for any portion of the retroactive eligibility period which occurred beginning or after November 1, 2011.**

**(19)(20)** For an enrollee whose eligibility resulted from a successful appeal of a denial of eligibility, the enrollment period shall begin:

(a)1. On the first day of the month of the original application for eligibility; or

2. On the first day of the month of retroactive eligibility as referenced in subsection (19) of this section, if applicable; and

(b) No earlier than November 1, 2011.

**(20)(24)** A provider shall be responsible for verifying an individual's eligibility for Medicaid and enrollment in a managed care organization when providing a service.

Section 3. Disenrollment. (1) The policies established in 42 C.F.R. 438.56 shall apply to an MCO.

(2) Only the department shall have the authority to disenroll a recipient from an MCO.

(3) A disenrollment of a recipient from an MCO shall:

(a) Become effective on the first day of the month following disenrollment; and

(b) Occur:

1. If the enrollee:

a. No longer resides in an area served by the MCO;

b. Becomes incarcerated or deceased; or

c. Is exempt from managed care enrollment in accordance with Section 2(3) of this administrative regulation; or

2. In accordance with 42 C.F.R. 438.56.

(4) An MCO may recommend to the department that an enrollee be disenrolled if the enrollee:

(a) Is found guilty of fraud in a court of law or administratively determined to have committed fraud related to the Medicaid program;

(b) Is abusive or threatening **but not for uncooperative or disruptive behavior resulting from his or her special needs (except when his or her continued enrollment in the MCO seriously impairs the entity's ability to furnish services to either this particular enrollee or other enrollees) pursuant to 42 C.F.R. 483.56(a)(2);**

(c) Becomes deceased; or

(d) No longer resides in an area served by the MCO.

(5) An enrollee shall not be disenrolled by the department, nor shall the managed care organization recommend disenrollment of an enrollee, due to an adverse change in an enrollee's health.

(6)(a) An approved disenrollment shall be effective no later than the first day of the second month following the month the enrollee or the MCO files a request in accordance with 42 C.F.R. 438.56(e)(1).

(b) If the department fails to make a determination within the timeframe specified in subsection (6)(a), the disenrollment shall be considered approved in accordance with 42 C.F.R. 438.56(e)(2).

(7) If an enrollee is disenrolled from an MCO, the:

**(a) Enrollee shall be enrolled with a new MCO if the enrollee is:**

**1. Eligible for Medicaid; and**

**2. Not excluded from managed care participation; and**

**(b) MCO shall:**

**1.(a)** Assist in the selection of a new primary care provider, if requested;

**2.(b)** Cooperate with the new primary care provider in transitioning the enrollee's care; and

**3.(e)** Make the enrollee's medical record available to the new primary care provider, in accordance with state and federal law.

(8) An MCO shall notify the department or Social Security Administration in an enrollee's county of residence within five (5) working days of receiving notice of the death of an enrollee.

Section 4. Enrollee Rights and Responsibilities. (1) An MCO shall have written policies and procedures:

(a) To protect the rights of an enrollee that includes the:

1. Protection against liability for payment in accordance with 42 U.S.C. 1396u-2(b)(6);

2. Rights specified in 42 C.F.R. 438.100;
3. Right to prepare an advance medical directive pursuant to KRS 311.621 through KRS 311.643;
4. Right to choose and change a primary care provider;
5. Right to file a grievance or appeal;
6. Right to receive assistance in filing a grievance or appeal;
7. Right to a state fair hearing;
8. Right to a timely referral and access to medically indicated specialty care; and
9. Right to access the enrollee's medical records in accordance with federal and state law; ~~and~~[-]
- (b) Regarding the responsibilities of enrollees that include the responsibility to:
  1. Become informed about:
    - a. Enrollee rights specified in subsection (1) of this section; and
    - b. Service and treatment options;
  2. Abide by the MCO's and department's policies and procedures;
  3. Actively participate in personal health and care decisions;
  4. Report suspected fraud or abuse; and
  5. Keep appointments or call to cancel if unavailable to keep an appointment.
- (2) The information specified in subsection (1) of this section, shall meet the information requirements established in 42 C.F.R. 438.10.

Section 5. Enrollee Grievance System. (1) An MCO shall have an internal grievance system in place that allows an enrollee or a provider on behalf of an enrollee to challenge a denial of coverage of, or payment for, a service in accordance with 42 C.F.R. 438.400 through 424 and 42 U.S.C. 1396u-2(b)(4).

(2) An enrollee shall have a right to a state fair hearing in accordance with KRS Chapter 13 B without exhausting an MCO's internal appeal process.

(3) An MCO shall have written policies and procedures describing how an enrollee shall submit a request for a:

- (a) Grievance or an appeal with the MCO; or
- (b) State fair hearing in accordance with KRS Chapter 13B.

(4) A legal guardian of an enrollee who is a minor or an incapacitated adult, a representative of an enrollee as designated in writing to an MCO, or a provider acting on behalf of an enrollee and with the enrollee's written consent, has the right to file a grievance on behalf of the enrollee.

(5) An enrollee shall have thirty (30) calendar days from the date of an event causing dissatisfaction to file a grievance orally or in writing with the MCO.

(6) Within five (5) working days of receipt of a grievance, an MCO shall provide the enrollee with written notice that the grievance has been received and the expected date of its resolution.

(7) An investigation and final resolution of a grievance shall:

(a) Be completed within thirty (30) calendar days of the date the grievance is received by the MCO; and

- (b) Include a resolution letter to the enrollee that shall include:
  1. All information considered in investigating the grievance;
  2. Findings and conclusions based on the investigation; and
  3. The disposition of the grievance.

(8) An enrollee shall have thirty (30) calendar days from the date of receiving a notice of adverse action from an MCO to file an appeal either orally or in writing with the MCO.

(9) A legal guardian of an enrollee who is a minor or an incapacitated adult, a representative of the enrollee as designated in writing to an MCO, or a provider acting on behalf of an enrollee with the enrollee's written consent, shall have the right to file an appeal of an adverse action on behalf of the enrollee.

(10) An MCO shall resolve an appeal within thirty (30) calendar days from the date the initial oral or written appeal is received by the MCO.

(11) An MCO shall have a process in place that ensures that an oral or written inquiry from an enrollee seeking to appeal an adverse action is treated as an appeal to establish the earliest possible filing date for the appeal.

(12) An oral appeal shall be followed by a written appeal that is signed by the enrollee within ten (10) calendar days.

(13) Within five (5) working days of receipt of an appeal, an

MCO shall provide the enrollee with written notice that the appeal has been received and the expected date of its resolution, unless an expedited resolution has been requested.

(14) An MCO shall extend the thirty (30) day timeframe for resolution of an appeal in subsection (11) of this section by fourteen (14) calendar days if:

(a) An enrollee requests the extension; or

(b)1. An MCO demonstrates to the department that there is need for additional information; and

2. The extension is in the enrollee's interest.

(15) For an extension requested by an MCO, the MCO shall give the enrollee written notice of the extension and the reason for the extension within two (2) working days of the decision to extend.

(16) For an appeal, an MCO shall provide written notice of its decision within thirty (30) calendar days to an enrollee or a provider, if the provider filed the appeal.

(17) An MCO shall:

(a) Continue to provide benefits to an enrollee, **if the enrollee requested a continuation of benefits**, until one of the following occurs:

1. The enrollee withdraws the appeal;

2. Fourteen (14) days have passed since the date of the resolution letter, provided the resolution of the appeal was against the enrollee and the enrollee has not requested a state fair hearing or taken any further action; or

3. A state fair hearing decision adverse to the enrollee has been issued;

(b) Have an expedited review process for appeals when the MCO determines that allowing the time for a standard resolution could seriously jeopardize an enrollee's life or health or ability to attain, maintain, or regain maximum function;

(c) Resolve an expedited appeal within three (3) working days of receipt of the request; and

(d) Extend the timeframe for an expedited appeal in paragraph (b) of this subsection by up to fourteen (14) calendar days if the enrollee requests the extension or the MCO demonstrates to the department that there is need for additional information and the extension is in the enrollee's interest.

(18) For an extension requested by an MCO, the MCO shall give the enrollee written notice of the reason for the extension.

(19) If an MCO denies a request for an expedited resolution of an appeal, it shall:

(a) Transfer the appeal to the thirty (30) day timeframe for a standard resolution, in which the thirty (30) day period begins on the date the MCO received the original request for appeal;

(b) Give prompt oral notice of the denial; and

(c) Follow up with a written notice within two (2) calendar days of the denial.

(20) An MCO shall document in writing an oral request for an expedited resolution and shall maintain the documentation in the enrollee case file.

(21) The department shall provide an enrollee with a hearing process that shall adhere to 907 KAR 1:563, 42 C.F.R. 438 Subpart F and 42 C.F.R. 431 Subpart E.

(22) An enrollee shall be able to request a state fair hearing if dissatisfied with an adverse action that has been taken by an MCO:

(a) Within thirty (30) days of receiving notice of an adverse action; or

(b) Within thirty (30) days of the final decision of an MCO to an appeal filed by an enrollee.

(23) A document supporting an MCO's adverse action shall be:

(a) Received by the department no later than five (5) days from the date the MCO

receives a notice from the department that a request for a state fair hearing has been filed by an enrollee; and

(b) Made available to an enrollee upon request by either the enrollee or the enrollee's legal counsel.

(24) An automatic ruling shall be made by the department in favor of an enrollee if an MCO fails to:

(a) Comply with the state fair hearing requirements established by the state and federal Medicaid law; or

(b) Appear in person and present evidence at the state fair hearing.

(25) An MCO shall:

(a) Provide information specified in 42 C.F.R. 438.10(g)(1) about the grievance system to a service provider and a subcontractor at the time they enter into a contract;

(b) Maintain a grievance or an appeal file in a secure and designated area;

(c) Make a grievance or an appeal file accessible to the department or its designee upon request;

(d) Retain a grievance or an appeal file for ten (10) years following a final decision by the MCO, the department, an administrative law judge, judicial appeal, or closure of a file, whichever occurs later;

(e) Have procedures for assuring that a grievance or an appeal file contains:

1. Information to identify the grievance or appeal;
2. The date a grievance or appeal was received;
3. The nature of the grievance or appeal;
4. A notice to the enrollee of receipt of the grievance or appeal;
5. Correspondence between the MCO and the enrollee;
6. The date the grievance or appeal is resolved;
7. The decision made by the MCO of the grievance or appeal;
8. The notice of a final decision to the enrollee; and
9. Information pertaining to the grievance or appeal; and

(f) Make available to an enrollee documentation regarding a grievance or an appeal.

(26) An MCO shall designate an individual to:

(a) Execute the policies and procedures for resolution of a grievance or appeal;

(b) Review patterns or trends in grievances or appeals; and

(c) Initiate a corrective action, if needed.

Section 6. Member Services. (1) An MCO shall have a member services function that includes a member call center and a behavioral health call center that shall:

(a) Be staffed Monday through Friday from 7:00 a.m. to 7:00 p.m. Eastern [Standard] Time; and

(b) Meet the current American Accreditation Health Care Commission or Utilization Review Accreditation Committee (URAC)-designed Health Call Center Standard (HCC) for call center abandonment rate, blockage rate and average speed of answer.

(2)(a) An MCO shall provide access to medical advice to an enrollee through a toll-free call-in system, available twenty-four (24) hours a day, seven (7) days a week.

(b) The call-in system shall be staffed by medical professionals to include:

1. Physicians;
2. Physician assistants;
3. Licensed practical nurses; or
4. Registered nurses.

(3) An MCO shall:

(a) 1. Provide foreign language interpreter services for an enrollee;[-]

2. Interpreter services shall be available free of charge;[-]

(b) Respond to the special communication needs of the disabled, blind, deaf, or aged;[-]

(c) Facilitate direct access to a specialty physician for an enrollee:

1. With a chronic or complex health condition;
2. Who is aged, blind, deaf, or disabled; or
3. Identified as having a special healthcare need and requires a course of treatment or regular healthcare monitoring;

(d) Arrange for and assist with scheduling an EPSDT service in conformance with federal law governing EPSDT;

(e) Provide an enrollee with information or refer to a support service;

(f) Facilitate direct access to a covered service in accordance with Section 29(4);

(g) Facilitate access to a:

1. Behavioral health service;
2. Pharmaceutical service; or
3. Service provided by a public health department, community mental health center, rural health clinic, federally qualified health center, the Commission for Children with Special Health Care

Needs or a charitable care provider;

(h) Assist an enrollee in:

1. Scheduling an appointment with a provider;
2. Obtaining transportation for an emergency or non-emergency service;
3. Completing a health risk assessment; or
4. Accessing an MCO health education program;

(i) Process, record, and track an enrollee grievance and appeal; or

(j) Refer an enrollee to case management or disease management.

Section 7. Enrollee Selection of Primary Care Provider. (1) Except for an enrollee described in subsection (2) of this section, an MCO shall have a process for enrollee selection and assignment of a primary care provider.

(2) The following shall not be required to have a primary care provider:

(a) A dual eligible;

(b) A child in foster care;

(c) A child under the age of eighteen (18) years who is disabled; or

(d) A pregnant woman who is presumptively eligible pursuant to 907 KAR 1:810.

(3)(a) For an enrollee who is not receiving supplemental security income benefits:

1. An MCO shall notify the enrollee within ten (10) days of notification of enrollment by the department of the procedure for choosing a primary care provider; and

2. If the enrollee does not choose a primary care provider, an MCO shall assign to the enrollee a primary care provider who:

- a. Has historically provided services to the enrollee; and
- b. Meets the requirements of subsection (5) of this section.

(b) If no primary care provider meets the requirements of paragraph (a)2, an MCO shall assign the enrollee to a primary care provider who is within:

1. Thirty (30) miles or thirty (30) minutes from the enrollee's residence or place of employment if the enrollee is in an urban area; or

2. Forty-five (45) miles or forty-five (45) minutes from the enrollee's residence or place of employment if the enrollee is in a rural area.

(4)(a) For an enrollee who is receiving supplemental security income benefits and

is not a dual eligible, an MCO shall notify the enrollee of the procedure for choosing a primary care provider.

(b) If an enrollee has not chosen a primary care provider within thirty (30) days, an MCO shall send a second notice to the enrollee.

(c) If an enrollee has not chosen a primary care provider within thirty (30) days of a second notice, the MCO shall send a third notice to the enrollee.

(d) If an enrollee [and] has **not** chosen a primary care provider after the third notice, the MCO shall assign a primary care provider.

(e) Except for an enrollee who was previously enrolled with the MCO, an MCO shall not automatically assign a primary care provider within ninety (90) days of the enrollee's initial enrollment.

(5)(a) An enrollee shall be allowed to select from at least two (2) primary care providers within an MCO's provider network.

(b) At least one (1) of the two primary care providers referenced in paragraph (a) of this subsection shall be a physician.

(6) A primary care provider shall:

(a) Be a licensed or certified health care practitioner who functions within their scope of licensure or certification, including:

1. A physician;
2. An advanced practice registered nurse;
3. A physician assistant; or
4. A clinic, including a primary care center, federally qualified health center, or rural health clinic;

(b) Have admitting privileges at a hospital or a formal referral agreement with a provider possessing admitting privileges;

(c) Agree to provide twenty-four (24) hours a day, seven (7) days a week primary health care services to enrollees; and

(d) For an enrollee who has a gynecological or obstetrical

health care need, a disability or chronic illness, be a specialist who agrees to provide or arrange for primary and preventive care directly or through linkage with a primary care provider.

(7) Upon enrollment in an MCO, an enrollee shall have the right to change primary care providers:

- (a) Within the first ninety (90) days of assignment;
- (b) Once a year regardless of reason;
- (c) At any time for a reason approved by the MCO;

(d) If during a temporary loss of eligibility, an enrollee loses the opportunity in paragraph (b) of this subsection;

- (e) If Medicare or Medicaid imposes a sanction on the PCP;
- (f) If the PCP is no longer in the MCO provider network; or

(g) At any time with cause which shall include the~~and~~ enrollee:

- 1. Receiving poor quality of care; or

2.[3.] Lacking access to providers qualified to treat the enrollee's medical condition.

(8) A PCP shall not be able to request the reassignment of an enrollee to a different PCP for the following:

- (a) A change in the enrollee's health status or treatment needs;
- (b) An enrollee's utilization of health services;
- (c) An enrollee's diminished mental capacity; or
- (d) Disruptive behavior of an enrollee due to the enrollee's special health care needs unless the behavior impairs the PCP's ability to provide services to the enrollee or others.

(9) A PCP change request shall not be based on race, color, national origin, disability, age, or gender.

(10) An MCO shall have the authority to approve or deny a primary care provider change.

(11) An enrollee shall be able to obtain the following services outside of an MCO's provider network:

(a) A family planning service in accordance with 42 C.F.R. 431.51;

(b) An emergency service in accordance with 42 C.F.R. 438.114;

(c) A post-stabilization service in accordance with 42 C.F.R. 438.114 and 42 C.F.R. 422.113(c);

(d) An out-of-network service that an MCO is unable to provide within its network to meet the medical need of the enrollee in accordance with 42 C.F.R. 438.206(b)(4).

(12) An MCO shall:

(a) Notify an enrollee within:

1. Thirty (30) days of the effective date of a voluntary termination of the enrollee's primary care provider; or

2. Fifteen (15) days of an involuntary termination of the enrollee's primary care provider; and

(b) Assist the enrollee in selecting a new primary care provider.

Section 8. Primary Care Provider Responsibilities. (1) A PCP shall:

(a) Maintain:

1. Continuity of an enrollee's health care;

2. A current medical record for an enrollee in accordance with Section 24 of this administrative regulation; and

3. Formalized relationships with other PCPs to refer enrollees for after hours care, during certain days, for certain services, or other reasons to extend their practice;[:]

(b) Refer an enrollee for specialty care and other medically necessary services, both in and out of network, if the services are not available within the MCO's network;

(c) Discuss advance medical directives with an enrollee;

(d) Provide primary and preventive care, including EPSDT services;

(e) Refer an enrollee for a behavioral health service if clinically indicated; and

(f) Have an after-hours phone arrangement that ensures that a PCP or a designated medical practitioner returns the call within thirty (30) minutes;[:]

(2) An MCO shall monitor a PCP to ensure compliance with the policies in this section.

Section 9. Member Handbook. (1) An MCO shall:

(a) Send a member handbook to an enrollee, by a method that shall not take more than three (3) days to reach the enrollee, within

five (5) business days of enrollment;

(b) Review a member handbook at least annually;

(c) Communicate a change to a member handbook to an enrollee in writing; and

(d) Add a revision date to a member handbook after revising.

(2) A member handbook shall:

(a) Be available:

1. In English, Spanish, and any other language spoken by at least five (5) percent of the potential enrollee or enrollee population;

2. In hardcopy; and

3. On the MCO's website;

(b) Be written at no higher than a sixth grade reading comprehensive level; and

(c) Include at a minimum the following information:

1. The MCO's network of primary care providers, including the names, telephone numbers, and service site addresses of available primary care providers;

2. The procedures for:

a. Selecting a PCP and scheduling an initial health appointment;

b. Obtaining:

(i) Emergency or non-emergency care after hours;

(ii) Transportation for emergency or non-emergency care;

(iii) An EPSDT service;

(iv) A covered service from an out-of-network provider; or

(v) A long term care service;

c. Notifying DCBS of a change in family size or address, a birth, or a death of an enrollee;

d.(i) Selecting or requesting to change a PCP;

(ii) A reason a request for a change may be denied by the MCO;

(iii) A reason a provider may request to transfer an enrollee to a different PCP;

e. Filing a grievance or appeal, including the title, address and telephone number of the person responsible for processing and resolving a grievance or appeal;

3. The name of the MCO, address, and telephone number from which it conducts its business;

4. The MCO's:

a. Business hours; and

b. Member service and toll-free medical call-in telephone numbers;

5. Covered services, an explanation of any service limitation or exclusion from coverage, and a notice stating that the MCO will be liable only for those services authorized by the MCO, except for the services excluded in Section 7(11) of this administrative regulation;[:]

6. Member rights and responsibilities;

7. For a life-threatening situation, instructions to use the emergency medical services available or to activate emergency medical services by dialing 911;

8. Information on:

a. The availability of maternity and family planning services, and for the prevention and treatment of sexually transmitted diseases;

b. Accessing the services referenced in clause a. of this paragraph;

c. Accessing care before a primary care provider is assigned or chosen;

d. The Cabinet for Health and Family Services' independent ombudsman program; and

e. The availability of, and procedures for, obtaining:

(i) A behavioral health or substance abuse service;

(ii) A health education service; and

(iii) Care coordination, case management, and disease management services;

9. Direct access services that may be accessed without a referral; and

10. An enrollee's right to obtain a second opinion and information on obtaining a second opinion; and

(c) Meet the information requirements established in Section 12 of this administrative regulation.

(3) Changes to a member handbook shall be approved by the

department prior to the publication of the handbook.

Section 10. Member Education and Outreach. (1) An MCO shall:

- (a) Have an enrollee and community education and outreach program throughout the MCO's service area;
  - (b) Submit an annual outreach plan to the department for approval;
  - (c) Assess the homeless population within its service area by implementing and maintaining an outreach plan for homeless individuals, including victims of domestic violence; and
  - (d) Not differentiate between a service provided to an enrollee who is homeless and an enrollee who is not homeless.
- (2) An MCO's outreach plan shall include:
- (a) Utilizing existing community resources including shelters and clinics; and
  - (b) Face-to-face encounters.

Section 11. Enrollee Non-Liability for Payment. (1) Except as specified in Section 58 ~~[or Section 7(11)]~~ of this administrative regulation, an enrollee shall not be required to pay for a medically necessary covered service provided by the enrollee's MCO.

(2) An MCO shall not impose cost sharing on an enrollee greater than the limits established by the department in 907 KAR 1:604.

(3) If an enrollee agrees in advance in writing to pay for a non-Medicaid covered service, the provider of the service ~~[enrollee's MCO]~~ shall be authorized to bill the enrollee for the service.

Section 12. Provision of Information Requirements. (1) An MCO shall:

- (a) Comply with the requirements established in 42 U.S.C. 1396u-2(a)(5) and 42 C.F.R. 438.10; and
  - (b) Provide translation services to an enrollee on site or via telephone.
- (2) Written material provided by an MCO to an enrollee or potential enrollee shall:
- (a) Be written at a sixth grade reading comprehension level;
  - (b) Be published in at least a twelve (12) point font;
  - (c) Comply with the requirements established in 42 U.S.C. Chapter 126 and 47 U.S.C. Chapter 5 (the Americans with Disabilities Act);
  - (d) Be updated as necessary to maintain accuracy; ~~[and]~~
  - (e) Be available in Braille or in an audio format for an individual who is partially blind or blind; and
  - (f) Be provided and printed in each language spoken by five (5) percent or more of the enrollees in each county.**
- (3) All written material intended for an enrollee, unless unique to an individual enrollee or exempted by the department, shall be submitted to the department for review and approval prior to publication or distribution to the enrollee.

Section 13. Provider Services. (1) An MCO shall have a provider services function responsible for:

- (a) Enrolling, credentialing, recredentialing, and evaluating a provider;
- (b) Assisting a provider with an inquiry regarding enrollee status, prior authorization, referral, claim submission, or payment;
- (c) Informing a provider of their rights and responsibilities;
- (d) Handling, recording, and tracking a provider grievance and appeal;
- (e) Developing, distributing, and maintaining a provider manual;
- (f) Provider orientation and training, including:
  1. Medicaid covered services;
  2. EPSDT coverage;
  3. Medicaid policies and procedures;
  4. MCO policies and procedures; and
  5. Fraud, waste, and abuse;
- (g) Assisting in coordinating care for a child or adult with a complex or chronic condition;
- (h) Assisting a provider with enrolling in the Vaccines for Children Program in accordance with 907 KAR 1:680; and
- (i) Providing technical support to a provider regarding the pro-

vision of a service.

(2) An MCO's provider services staff shall:

- (a) Be available Monday through Friday from 8:00 a.m. to 6:00 p.m Eastern ~~[Standard]~~ Time; and
- (b) Operate a provider call center.

Section 14. Provider Network. (1) An MCO shall:

- (a) Enroll providers of sufficient types, numbers, and specialties in its network to satisfy the:
    1. Access and capacity requirements established in Section 15 of this administrative regulation; and
    2. Quality requirements established in Section 48 of this administrative regulation;
  - (b) Attempt to enroll the following providers in its network:
    1. A teaching hospital;
    2. A rural health clinic;
    3. The Kentucky Commission for Children with Special Health Care Needs;
    4. A local health department; and
    5. A community mental health center;
  - (c) Demonstrate to the department the extent to which it has enrolled providers in its network who have traditionally provided services to Medicaid recipients;
  - (d) Have at least one (1) FQHC in a region where the MCO operates in accordance with Section 28, if there is an FQHC that is appropriately licensed to provide services in the region; and
  - (e) Exclude, terminate, or suspend from its network a provider or subcontractor who engages in an activity that results in suspension, termination, or exclusion from the Medicare or a Medicaid program.
- (2) The length of an exclusion, termination, or suspension referenced in subsection (1)(e) of this subsection shall equal the length of the exclusion, termination, or suspension imposed by the Medicare or a Medicaid program.
- (3) If an MCO is unable to enroll a provider specified in subsection (1)(b) or (1)(c) of this section, the MCO shall submit to the department for approval, documentation which supports the MCO's conclusion that adequate services and service sites as required in Section 15 of this administrative regulation shall be provided without enrolling the specified provider.
- (4) If an MCO determines that its provider network is inadequate to comply with the access standards established in Section 15 of this administrative regulation, the MCO shall:
- (a) Notify the department; and
  - (b) Submit a corrective action plan to the department.
- (5) A corrective action plan referenced in subsection (4)(b) of this section shall:
- (a) Describe the deficiency in detail; and
  - (b) Identify a specific action to be taken by the MCO to correct the deficiency, including a time frame.
- Section 15. Provider Access Requirements. (1) The access standards requirements established in 42 C.F.R. 438.206 through 210 shall apply to an MCO.
- (2) An MCO shall make available and accessible to an enrollee:
- (a) Facilities, service locations, and personnel sufficient to provide covered services consistent with the requirements specified in this section;
  - (b) Emergency medical services twenty-four (24) hours a day, seven (7) days a week; and
  - (c) Urgent care services within 48 hours of request.
- (3)(a) An MCO's primary care provider delivery site shall be no more than:
1. Thirty (30) miles or thirty (30) minutes from an enrollee's residence or place of employment in an urban area; or
  2. Forty-five (45) miles or forty-five (45) minutes from an enrollee's residence or place of employment in a non-urban area.
- (b) An MCO's primary care provider shall not have an enrollee to primary care provider ratio greater than 1,500:1.
- (c) An appointment wait time at an MCO's primary care delivery site shall not exceed:
1. Thirty (30) days from the date of an enrollee's request for a routine or preventive service; or
  2. Forty-eight (48) hours from an enrollee's request for urgent

care.

(4)(a) An appointment wait time for a specialist, except for a specialist providing a behavioral health service, shall not exceed thirty (30) days from the referral for routine care or forty-eight (48) hours from the referral for urgent care.

(b)1. A behavioral health service requiring crisis stabilization shall be provided within twenty-four (24) hours of the referral.

2. Behavioral health urgent care shall be provided within forty-eight (48) hours of the referral.

3. A behavioral health service appointment following a discharge from an acute psychiatric hospital shall occur within fourteen (14) days of discharge.

4. A behavioral health service appointment not included in subparagraph 1, 2, or 3 of this paragraph shall occur within sixty (60) days of the referral.

(5) An MCO shall have:

1. Specialists available for the subpopulations designated in Section 30 of this administrative regulation; and

2. Sufficient pediatric specialists to meet the needs of enrollees who are less than twenty-one (21) years of age.

(6) An emergency service shall be provided at a health care facility most suitable for the type of injury, illness, or condition, whether or not the facility is in the MCO network.

(7)(a) Except as provided in paragraph (b) of this subsection, an enrollee's transport time to a hospital shall not exceed thirty (30) minutes from an enrollee's residence.

(b) Transport time to a hospital shall not exceed sixty (60) minutes from an enrollee's residence:

1. In a rural area; or

2. For a behavioral or physical rehabilitation service.

(8)(a) Transport time for a dental service shall not exceed one (1) hour from an enrollee's residence.

(b) A dental appointment wait time shall not exceed:

1. Three (3) weeks for a regular appointment; or

2. Forty-eight (48) hours for urgent care.

(9)(a) Transport time to a general vision, laboratory, or radiological service shall not exceed one (1) hour from an enrollee's residence.

(b) A general vision, laboratory, or radiological appointment wait time shall not exceed:

1. Three (3) weeks for a regular appointment; or

2. Forty-eight (48) hours for urgent care.

(10)(a) Transport time to a pharmacy service shall not exceed one (1) hour from an enrollee's residence.

(b) A pharmacy delivery site, except for a mail-order pharmacy, shall not be further than fifty (50) miles from an enrollee's residence.

**(c) No transport time or distance threshold shall apply to a mail-order pharmacy except that it shall:**

**1. Be physically located within the United States of America; and**

**2. Provide delivery to the enrollee's residence.**

Section 16. Provider Manual. (1) An MCO shall provide a provider manual to a provider within five (5) working days of enrollment with the MCO.

(2) Prior to distributing a provider manual or update to a provider manual, an MCO shall procure the department's approval of the provider manual or provider manual update.

(3) A provider manual shall be available in hard copy and on the MCO's website.

Section 17. Provider Orientation and Education. An MCO shall:

(1) Conduct an initial orientation for a provider within thirty (30) days of enrollment with the MCO to include:

(a) Medicaid coverage policies and procedures;

(b) Reporting fraud and abuse;

(c) Medicaid eligibility groups;

(d) The standards for preventive health services;

(e) The special needs of enrollees;

(f) Advance medical directives;

(g) EPSDT services;

(h) Claims submission;

(i) Care management or disease management programs available to enrollees;

(j) Cultural sensitivity;

(k) The needs of enrollees with mental, developmental, or physical disabilities;

(l) The reporting of communicable diseases;

(m) The MCO's QAPI program as referenced in Section 48;

(n) Medical records;

(o) The external quality review organization; and

(p) The rights and responsibilities of enrollees and providers; and

(2) Ensure that a provider:

(a) Is informed of an update on a federal, state, or contractual requirement;

(b) Receives education on a finding from its QAPI program when deemed necessary by the MCO or department; and

(c) Makes available to the department training attendance rosters that shall be dated and signed by the attendees.

Section 18. Provider Credentialing and Recredentialing. (1) An MCO shall:

(a) Have policies and procedures that comply with 907 KAR 1:672, KRS 205.560, and 42 C.F.R. 455 subpart E regarding the credentialing and recredentialing of a provider;

(b) Have a process for verifying a provider's credentials and malpractice insurance that shall include:

1. Written policies and procedures for credentialing and recredentialing of a provider;

2. A governing body, or a group or individual to whom the governing body has formally delegated the credentialing function; and

3. A review of the credentialing policies and procedures by a governing body;

(c) Have a credentialing committee that makes recommendations regarding credentialing;

(d) If a provider requires a review by the credentialing committee, **based on the MCO's quality criteria**, notify the department of the facts and outcomes of the review;

(e) Have written policies and procedures for:

1. Terminating and suspending a provider; and

2. Reporting a quality deficiency that results in a suspension or termination of a provider;

(f) Document its monitoring of a provider;

(g) Verify a provider's qualifications through a primary source that includes:

1. A current valid license or certificate to practice in the commonwealth of Kentucky;

2. A Drug Enforcement Administration certificate and number, if applicable;

3. If a provider is not board certified, graduation from a medical school and completion of a residency program;

4. Completion of an accredited nursing, dental, physician assistant, or vision program, if applicable;

5. If a provider states on an application that the provider is board certified in a specialty, a professional board certification;

6. A previous five (5) year work history;

7. A professional liability claims history;

8. If a provider requires access to a hospital to practice, proof that the provider

has clinical privileges and is in good standing at a hospital designated by the provider as the primary admitting hospital;

9. Malpractice insurance;

10. Documentation of a:

a. Revocation, suspension, or probation of a state license or Drug Enforcement Agency certificate and number;

b. Curtailment or suspension of a medical staff privilege;

c. Sanction or penalty imposed by the United States Department of Health and Human Services or a state Medicaid agency; and

d. Censure by a state or county professional association; or

11. The most recent provider information available from the National Practitioner Data Bank;

(h) Obtain access to the National Practitioner Data Bank as part of its credentialing process;

(i) Have:

1. A process to recredential a provider at least once every three (3) years that shall be in accordance with subsection (3) of

this section; and

2. Procedures for monitoring a provider sanction, a complaint, or a quality issue between a recertification cycle; [and]

(j) Have or obtain National Committee for Quality Assurance (NCQA) accreditation for its Medicaid product line within four (4) years of implementation of this administrative regulation; and

(k) Continuously maintain NCQA accreditation for its Medicaid product line after obtaining the accreditation[NCQA certification for credentialing by April 1, 2012].

(2) If an MCO subcontracts a credentialing and re-credentialing function, the MCO and the subcontractor shall have written policies and procedures for credentialing and recertification.

(3) A provider shall complete a credentialing application that includes a statement by the provider regarding:

(a) The provider's ability to perform an essential function of a position, with or without accommodation;

(b) The provider's lack of current illegal drug use;

(c) The provider's history of a:

1. Loss of license or a felony conviction;

2. Loss or limitation of a privilege; or

3. Disciplinary action;

(d) A sanction, suspension, or termination by the United States Department of Health and Human Services or a state Medicaid agency;

(e) Clinical privileges and standing at a hospital designated as the primary admitting hospital of the provider;

(f) Malpractice insurance maintained by the provider; and

(g) The correctness and completeness of the application.

(4) The department shall be responsible for credentialing and recertification a:

(a) hospital-based provider; and

(b) Provider enrolled with an MCO for a six (6) month period that begins on November 1, 2011 and ends on April 30, 2012.

Section 19. MCO Provider Enrollment. (1) A provider enrolled with an MCO shall:

(a) Be credentialed by the MCO in accordance with the standards established in Section 18 of this administrative regulation; and

(b) Be eligible to enroll with the Kentucky Medicaid Program in accordance with 907 KAR 1:672.

(2) An MCO shall:

(a) Not enroll a provider in its network if:

1. The provider has an active sanction imposed by the Centers for Medicare and Medicaid Services or a state Medicaid agency;

2. A required provider license and a certification are not current;

3. Based on information or records available to the MCO:

a. The[A] provider owes money to the Kentucky Medicaid program; or

b. [4.] The Kentucky Office of the Attorney General has an active fraud investigation of the provider; or

4. [5.] The provider is not credentialed;

(b) Have and maintain documentation regarding a provider's qualifications; and

(c) Make the documentation referenced in paragraph (b) of this subsection available for review by the department.

(3)(a) A provider shall not be required to participate in Kentucky Medicaid fee-for-service to enroll with an MCO.

(b) If a provider is not a participant in Kentucky Medicaid fee-for-service, the provider shall obtain a Medicaid provider number from the department.

Section 20. Provider Discrimination. An MCO shall:

(1) Comply with the antidiscrimination requirements established in:

(a) 42 U.S.C. 1396u-2(b)(7);

(b) 42 C.F.R. 438.12; and

(c) KRS 304.17A-270; and

(2) Provide written notice to a provider denied participation in the MCO's network stating the reason for the denial.

Section 21. Release for Ethical Reasons. An MCO shall:

(1) Not:

(a) Require a provider to perform a treatment or procedure that

is contrary to the provider's conscience, religious beliefs, or ethical principles in accordance with 42 C.F.R. 438.102; or

(b) Prohibit or restrict a provider from advising an enrollee about health status, medical care or a treatment:

1. Whether or not coverage is provided by the MCO; and

2. If the provider is acting within the lawful scope of practice; and

(2) Have a referral process in place for a situation where a provider declines to perform a service because of an ethical reason.

Section 22. Provider Grievances and Appeals. (1) An MCO shall have written policies and procedures for the filing of a provider grievance or appeal.

(2) A provider shall have the right to file:

(a) A grievance [or an appeal] with an MCO; or

(b) An appeal with an MCO regarding:

1. A provider payment issue; or

2. A contractual issue.

(3)(a) A provider grievance or appeal shall be resolved within thirty (30) calendar days.

(b) If a grievance or appeal is not resolved within thirty (30) days, an MCO shall request a fourteen (14) day extension from the provider.

(c) If a provider requests an extension, the MCO shall approve the extension.

Section 23. Cost Reporting Information. The department shall provide to the MCO the calculation of Medicaid allowable costs as used in the Medicaid program.

Section 24. Medical Records. (1) An MCO shall:

(a) Require a provider to maintain an enrollee medical record on paper or in an electronic format; and

(b) Have a process to systematically review provider medical records to ensure compliance with the medical records standards established in this section.

(2) An enrollee medical record shall:

(a) Be legible, current, detailed, organized, and signed by the service provider;

(b)1. Be kept for at least five (5) years from the date of service unless federal law or regulation requires a longer retention period; and

2. If federal law or regulation requires a retention period longer than five (5) years, an enrollee medical record shall be kept for at least as long as the federally-required retention period;

(c) Include the following minimal detail for an individual clinical encounter:

1. The history and physical examination for the presenting complaint;

2. A psychological or social factor affecting the patient's physical or behavioral health;

3. An unresolved problem, referral, or result from a diagnostic test; and

4. The plan of treatment including:

a. Medication history, medications prescribed, including the strength, amount, and directions for use and refills;

b. Therapy or other prescribed regimen; and

c. Follow-up plans, including consultation, referrals, and return appointment.

(3) A medical chart organization and documentation shall, at a minimum, contain the following:

(a) Enrollee identification information on each page;

(b) Enrollee date of birth, age, gender, marital status, race, or ethnicity, mailing address, home and work addresses, and telephone numbers (if applicable), employer (if applicable), school (if applicable), name and telephone number of an emergency contact, consent form, language spoken and guardianship information (if applicable);

(c) Date of data entry and of encounter;

(d) Provider's name;

(e) Any known allergies or adverse reactions of the enrollee;

(f) Enrollee's past medical history;

(g) Identification of any current problem;

(h) A consultation, laboratory, or radiology report filed in the medical record shall contain the ordering provider's initials or other documentation indicating review;

(i) Documentation of immunizations;

(j) Identification and history of nicotine, alcohol use, or substance abuse;

(k) Documentation of notification of reportable diseases and conditions to the local health department serving the jurisdiction in which the enrollee resides or to the Department for Public Health pursuant to 902 KAR 2:020;

(l) Follow-up visits provided secondary to reports of emergency room care;

(m) Hospital discharge summaries;

(n) Advance medical directives for adults; and

(o) All written denials of service and the reason for the denial.

Section 25. Confidentiality of Medical Information. (1) An MCO shall:

(a) Maintain confidentiality of all enrollee eligibility information and medical records;

(b) Prevent unauthorized disclosure of the information referenced in this subsection ~~[(4) of this section]~~ in accordance with KRS 194A.060, KRS 214.185, KRS 434.840 to 434.860, and 42 C.F.R. 431, Subpart F;

(c) Have written policies and procedures for maintaining the confidentiality of enrollee records;

(d) Comply with 42 U.S.C. 1320d (Health Insurance Portability and Accountability Act) and 45 C.F.R. Parts 160 and 164;

(e) ~~[An MCO]~~ On behalf of its employees and agents;

**1. [shall] Sign a confidentiality agreement attesting that it will comply with the confidentiality requirements established in this section; and**

**2. Submit the confidentiality agreement referenced in subparagraph 1. of this paragraph to the department;**

(f) Limit access to medical information to a person or agency which requires the information in order to perform a duty related to the department's administration of the Medicaid program, including the department, the United States Department of Health and Human Services, the United States Attorney General, the CHFS OIG, the Kentucky Attorney General, or other agency required by the department; and

(g) Submit a request for disclosure of information referenced in this subsection which has been received by the MCO to the department within twenty-four (24) hours.

(2) No information referenced in subsection (1)(g) of this section shall be disclosed by an MCO pursuant to the request without prior written authorization from the department.

Section 26. Americans with Disabilities Act and Cabinet Ombudsman. (1) An MCO shall:

(a) Require by contract with its network providers and subcontractors that a service location meets:

1. The requirements established in 42 U.S.C. Chapter 126 and 47 U.S.C. Chapter 5 (the Americans with Disabilities Act); and

2. All local requirements which apply to health facilities pertaining to adequate space, supplies, sanitation, and fire and safety procedures;

(b) Fully cooperate with the Cabinet for Health and Family Services independent ombudsman; and

(c) Provide immediate access, to the Cabinet for Health and Family Services independent ombudsman, to an enrollee's records if the enrollee has given consent.

(2) An MCO's member handbook shall contain information regarding the Cabinet for Health and Family Services independent ombudsman program.

Section 27. Marketing. (1) An MCO shall:

(a) Comply with the requirements in 42 C.F.R. 438.104 regarding marketing activities;

(b) Have a system of control over the content, form, and method of dissemination of its marketing and information materials;

(c) Submit a marketing plan and marketing materials to the department for written approval prior to implementation or distribution; ~~[-]~~

(d) If conducting mass media marketing, direct the marketing activities to enrollees in the entire service area pursuant to the marketing plan; and

(e) Not:

1. Conduct face-to-face marketing;

2. Use fraudulent, misleading, or misrepresentative information in its marketing materials;

3. Offer material or financial gain to a:

a. Potential enrollee as an inducement to select a particular provider or use a product; or

b. Person for the purpose of soliciting, referring, or otherwise facilitating the enrollment of an enrollee;

4. Conduct:

a. Direct telephone marketing to enrollees and potential enrollees who do not reside in the MCO service area; or

b. Direct or indirect door-to-door, telephone, or other cold-call marketing activity; or

5. Include in its marketing materials an assertion or statement that CMS, the federal government, the commonwealth, or other entity endorses the MCO.

(2) An MCO's marketing material shall meet the information requirements established in Section 12 of this administrative regulation.

Section 28. MCO Service Areas. (1)(a) An MCO's service areas shall include regions one (1), two (2), four (4), five (5), six (6), seven (7), and eight (8).

(b) An MCO's service areas shall not include region three (3).

(2) A recipient who is eligible for enrollment with a managed care organization and who resides in region three (3) shall receive services in accordance with 907 KAR 1:705.

(3) Region one (1) shall include the following counties:

(a) Ballard;  
(b) Caldwell;  
(c) Calloway;  
(d) Carlisle;  
(e) Crittenden;  
(f) Fulton;  
(g) Graves;  
(h) Hickman;  
(i) Livingston;  
(j) Lyon;  
(k) Marshall; and  
(l) McCracken; ~~[-]~~

(4) Region two (2) shall include the following counties:

(a) Christian;  
(b) Daviess;  
(c) Hancock;  
(d) Henderson;  
(e) Hopkins;  
(f) McLean;  
(g) Muhlenberg;  
(h) Ohio;  
(i) Trigg;  
(j). Todd;  
(k) Union; and  
(l) Webster; ~~[-]~~

(5) Region three (3) shall include the following counties:

(a) Breckenridge;  
(b) Bullitt;  
(c) Carroll;  
(d) Grayson;  
(e) Hardin;  
(f) Henry;  
(g) Jefferson;  
(h) Larue;  
(i) Marion;  
(j) Meade;  
(k) Nelson;  
(l) Oldham;  
(m) Shelby;  
(n) Spencer;  
(o) Trimble; and  
(p) Washington; ~~[-]~~



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(6) Region four (4) shall include the following counties:

- (a) Adair;
- (b) Allen;
- (c) Barren;
- (d) Butler;
- (e) Casey;
- (f) Clinton;
- (g) Cumberland;
- (h) Edmonson;
- (i) Green;
- (j) Hart;
- (k) Logan;
- (l) McCreary;
- (m) Metcalfe;
- (n) Monroe;
- (o) Pulaski;
- (p) Russell;
- (q) Simpson;
- (r) Taylor;
- (s) Warren; and
- (t) Wayne.[:]

(7) Region five (5) shall include the following counties:

- (a) Anderson;
- (b) Bourbon;
- (c) Boyle;
- (d) Clark;
- (e) Estill;
- (f) Fayette;
- (g) Franklin;
- (h) Garrard;
- (i) Harrison;
- (j) Jackson;
- (k) Jessamine;
- (l) Lincoln;
- (m) Madison;
- (n) Mercer;
- (o) Montgomery;
- (p) Nicholas;
- (q) Owen;
- (r) Powell;
- (s) Rockcastle;
- (t) Scott; and
- (u) Woodford.[:]

(8) Region six (6) shall include the following counties:

- (a) Boone;
- (b) Campbell;
- (c) Gallatin;
- (d) Grant;
- (e) Kenton; and
- (f) Pendleton.[:]

(9) Region seven (7) shall include the following counties:

- (a) Bath;
- (b) Boyd;
- (c) Bracken;
- (d) Carter;
- (e) Elliott;
- (f) Fleming;
- (g) Greenup;
- (h) Lawrence;
- (i) Lewis;
- (j) Mason;
- (k) Menifee;
- (l) Morgan;
- (m) Rowan;
- (n) Robertson.[:]

(10) Region eight (8) shall include the following counties:

- (a) Bell;
- (b) Breathitt;
- (c) Clay;
- (d) Floyd;
- (e) Harlan;
- (f) Johnson;
- (g) Knott;
- (h) Knox;

- (i) Laurel;
- (j) Lee;
- (k) Leslie;
- (l) Letcher;
- (m) Magoffin;
- (n) Martin;
- (o) Owsley;
- (p) Perry;
- (q) Pike;
- (r) Wolfe; and
- (s) Whitley.

Section 29. Covered Services. (1) Except as established in subsection (2) of this section, an MCO shall be responsible for the provision and costs of a covered health service:

(a) Established in Title 907 of the Kentucky Administrative Regulations;

(b) In the amount, duration, and scope that the services are covered for recipients pursuant to the department's administrative regulations located in Title 907 of the Kentucky Administrative Regulations; and

(c) Beginning on the date of enrollment of a recipient into the MCO.

(2) Other than a nursing facility cost referenced in subsection (3)(g) of this section, an MCO shall be responsible for the cost of a non-nursing facility covered service provided to an enrollee during the first thirty (30) days of a nursing facility admission in accordance with this administrative regulation.

(3) An MCO shall not be responsible for the provision or costs of the following:

(a) A service provided to a recipient in an intermediate care facility for individuals with mental retardation or a developmental disability;

(b) A service provided to a recipient in a 1915(c) home and community based waiver program;

(c) A hospice service provided to a recipient in an institution;

(d) A nonemergency transportation service provided in accordance with 907 KAR 3:066;

(e) Except as established in Section 35 of this administration regulation, a school-based health service;

(f) A service not covered by the Kentucky Medicaid program;

(g) A health access nurturing developing service pursuant to 907 KAR 3:140;

(h) An early intervention program service pursuant to 907 KAR 1:720; or

(i) A nursing facility service for an enrollee during the first thirty (30) days of a nursing facility admission.

(4) The following covered services provided by an MCO shall be accessible to an enrollee without a referral from the enrollee's primary care provider:

(a) A primary care vision service;

(b) A primary dental or oral surgery service;

(c) An evaluation by an orthodontist or a prosthodontist;

(d) A service provided by a women's health specialist;

(e) A family planning service;

(f) An emergency service;

(g) Maternity care for an enrollee under age eighteen (18);

(h) An immunization for an enrollee under twenty-one (21);

(i) A screening, evaluation, or treatment service for a sexually transmitted disease or tuberculosis;

(j) Testing for HIV, HIV-related condition, or other communicable disease; and

(k) A chiropractic service.

(5) An MCO shall:

(a) Not require the use of a network provider for a family planning service;

(b) In accordance with 42 C.F.R. 431.51(b), reimburse for a family planning service provided within or outside of the MCO's provider network;

(c) Cover an emergency service:

1. In accordance with 42 U.S.C. 1396u-2(b)(2)(A)(i);

2. Provided within or outside of the MCO's provider network; or

3. Out-of-state in accordance with 42 C.F.R. 431.52;

(d) Comply with 42 U.S.C. 1396u-2(b)(A)(ii); and

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(e) Be responsible for the provision and costs of a covered service as described in this section beginning on or after the beginning date of enrollment of a recipient with an MCO as described in Section 2 of this administrative regulation.

(6)(a) If an enrollee is receiving a medically necessary covered service the day before enrollment with an MCO, the MCO shall be responsible for the costs of continuation of the medically necessary covered service without prior approval and without regard to whether services are provided within or outside the MCO's network until the MCO can reasonably transfer the enrollee to a network provider.

(b) An MCO shall comply with paragraph (a) of this subsection without impeding service delivery or jeopardizing the enrollee's health.

Section 30. Enrollees with Special Health Care Needs. (1) In accordance with 42 C.F.R. 438.208:

(a) The following shall be considered an individual with a special health care need:

1. A child in or receiving foster care or adoption assistance;
2. A homeless individual;
3. An individual with a chronic physical or behavioral illness;
4. A blind or disabled child under the age of nineteen (19) years;

5. An individual who is eligible for SSI benefits; or
6. An adult who is a ward of the commonwealth in accordance with 910 KAR Chapter 2; and

(b) An MCO shall:

1. Have a process to target enrollees for the purpose of screening and identifying those with special health care needs;
2. Assess each enrollee identified by the department as having a special health care need to determine if the enrollee needs case management or regular care monitoring;
3. Include the use of appropriate health care professionals to perform an assessment; and
4. Have a treatment plan for an enrollee with a special health care need who has been determined, through an assessment, to need a course of treatment or regular care monitoring.

(2) A treatment plan referenced in subsection (1)(b)4 of this section shall be developed:

~~(a) [by an enrollee's primary care provider].~~ With participation from the enrollee or the enrollee's legal guardian as referenced in Section 43 of this administrative regulation; and

(b) By the enrollee's primary care provider, with participation from the enrollee or enrollee's legal guardian, if the enrollee has a primary care provider.

(3) An MCO shall:

- (a) 1. Develop materials specific to the needs of an enrollee with a special health care need; and

2. Provide the materials referenced in paragraph (a) of this subsection to the enrollee, caregiver, parent, or legal guardian;

(b) Have a mechanism to allow an enrollee identified as having a special health care need to directly access a specialist, as appropriate, for the enrollee's condition and identified need;

(c) Distribute to an enrollee with a special health care need or a caregiver, parent, or legal guardian of an enrollee with a special health care need, information and materials specific to the need of the enrollee; and

(d) Be responsible for the ongoing care coordination for an enrollee with a special health care need.

(4) The information referenced in subsection (3)(c) of this section shall include health educational material to assist the enrollee with a special health care need or the enrollee's caregiver, parent, or legal guardian in understanding the enrollee's special need.

(5)(a) An enrollee who is a child in foster care or receiving adoption assistance shall be enrolled with an MCO through a service plan that shall be completed for the enrollee by DCBS prior to being enrolled with the MCO.

(b) The service plan referenced in paragraph (a) of this subsection shall be used by DCBS and the MCO to determine the enrollee's medical needs and identify the need for case management.

(c) The MCO shall be available to meet with DCBS at least

once a month[~~, the MCO shall meet with DCBS~~] to discuss the health care needs of the child as identified in the service plan.

(d) If a service plan identifies the need for case management or DCBS requests case management for an enrollee, the foster parent of the child or DCBS shall work with the MCO to develop a case management plan of care.

(e) The MCO shall consult with DCBS prior to developing or modifying a case management plan of care.

(6)(a) An enrollee who is a ward of the commonwealth shall be enrolled with an MCO through a service plan that shall be completed for the enrollee by DAIL prior to being enrolled with the MCO.

(b) If the service plan referenced in paragraph (a) of this subsection identifies the need for case management, the MCO shall work with DAIL or the enrollee to develop a plan of care.

Section 31. Second Opinion. An enrollee shall have the right to a second opinion within the MCO's provider network for a surgical procedure or diagnosis and treatment of a complex or chronic condition.

Section 32. Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) Services. (1) An MCO shall provide an enrollee under the age of twenty-one (21) years EPSDT services in compliance with:

(a) 907 KAR 11:034;

(b) 42 U.S.C. 1396d; and

(c) The Early and Periodic Screening, Diagnosis and Treatment Program Periodicity Schedule.

(2) A provider of an EPSDT service shall meet the requirements established in 907 KAR 11:034.

Section 33. Emergency Care, Urgent Care, and Post-Stabilization Care. (1) An MCO shall provide to an enrollee:

(a) Emergency care twenty-four (24) hours a day, seven (7) days a week; and

(b) Urgent care within forty-eight (48) hours.

(2) Post-stabilization services shall be provided and reimbursed in accordance with 42 C.F.R. 422.113(c) and 438.114(e).

Section 34. Maternity Care. An MCO shall:

(1) Have procedures to assure:

(a) Prompt initiation of prenatal care; or

(b) Continuation of prenatal care without interruption for a woman who is pregnant at the time of enrollment;

(2) Provide maternity care that includes:

(a) Prenatal;

(b) Delivery;

(c) Postpartum care; and

(d) Care for a condition that complicates a pregnancy; and

(3) Perform all the newborn screenings referenced in 902 KAR 4:030.

Section 35. Pediatric Interface. (1) An MCO shall:

(a) Have procedures to coordinate care for a child receiving a school-based health service or an early intervention service; and

(b) Monitor the continuity and coordination of care for the child receiving a service referenced in paragraph (a) of this subsection as part of its quality assessment and performance improvement (QAPI) program referenced in Section 48.

(2) Except when a child's course of treatment is interrupted by a school break, after-school hours, or summer break, an MCO shall not be responsible for a service referenced in subsection (1)(a) of this section.

(3) A school-based health service provided by a school district shall not be covered by an MCO.

(4) A school-based health service provided by a local health department shall be covered by an MCO.

Section 36. Pediatric Sexual Abuse Examination. (1) An MCO shall enroll a provider in its network that has the capacity to perform a forensic pediatric sexual abuse examination.

(2) A forensic pediatric sexual abuse examination shall be conducted for an enrollee at the request of the DCBS.

Section 37. Lock-in Program. (1) An MCO shall have a pro-

gram to control utilization of:

- (a) Drugs and other pharmacy benefits; and
  - (b) Non-emergency care provided in an emergency setting.
- (2) The program referenced in subsection (1) of this subsection shall be:

- (a) Approved by the department; and
- (b) In accordance with 907 KAR 1:677.

Section 38. Pharmacy Benefit Program. (1) An MCO shall:

- (a) Have a pharmacy benefit program that shall have:
  - 1. A point-of-sale claims processing service;
  - 2. Prospective drug utilization review;
  - 3. An accounts receivable process;
  - 4. Retrospective utilization review services;
  - 5. Formulary and non-formulary drugs;
  - 6. Prior authorization process for drugs;
  - 7. Pharmacy provider relations;
  - 8. A toll-free call center that shall respond to a pharmacy or a physician prescriber twenty-four (24) hours a day, seven (7) days a week; and
- 9. A seamless interface with the department's management information system;
  - (b) Maintain a preferred drug list (PDL);
  - (c) Provide the following to an enrollee or a provider:
    - 1. PDL information; and
    - 2. Pharmacy cost sharing information; and
  - (d) Have a Pharmacy and Therapeutics Committee (P&T Committee).
    - (2)(a) The department shall comply with the drug rebate collection requirement established in 42 U.S.C. 1396b(m)(2)(A)(xiii).
    - (b) An MCO shall:
      - 1. Cooperate with the department in complying with 42 U.S.C. 1396b(m)(2)(A)(xiii);
      - 2. Assist the department in resolving a drug rebate dispute with a manufacturer; and
      - 3. Be responsible for drug rebate administration in a non-pharmacy setting.
    - (3) An MCO's P&T committee shall meet and make recommendations to the MCO for changes to the drug formulary.
    - (4) If a prescription for an enrollee is for a non-preferred drug and the pharmacist cannot reach the enrollee's primary care provider or the MCO for approval and the pharmacist determines it necessary to provide the prescribed drug, the pharmacist shall:
      - (a) Provide a seventy-two (72) hour supply of the prescribed drug; or
      - (b) Provide less than a seventy-two (72) hour supply of the prescribed drug if request is for less than a seventy-two (72) hour supply.
      - (5) Cost sharing imposed by an MCO shall not exceed the cost sharing limits established in 907 KAR 1:604.

Section 39. MCO Interface with the Department Regarding Behavioral Health [State Mental Health Agency]. An MCO shall:

- (1) Meet with the department monthly to discuss:
  - (a) Serious mental illness and serious emotional disturbance operating definitions;
  - (b) Priority populations;
  - (c) Targeted case management and peer support provider certification training and process;
  - (d) IMPACT Plus program operations;
  - (e) Satisfaction survey requirements;
  - (f) Priority training topics;
  - (g) Behavioral health services hotline; or
  - (h) Behavioral health crisis services;
- (2) Coordinate:
  - (a) An IMPACT Plus covered service provided to an enrollee in accordance with 907 KAR 3:030;
  - (b) With the department:
    - 1. An enrollee education process for:
      - a. Individuals with a serious mental illness; and
      - b. Children or youth with a serious emotional disturbance; and
    - 2. On establishing a collaborative agreement with a:
      - a. State-operated or stated-contracted psychiatric hospital; and
      - b. Facility that provides a service to an individual with a co-

occurring behavioral health and developmental and intellectual disabilities; and

- (c) With the department and community mental health centers a process for integrating a behavioral health service hotline; and
- (3) Provide the department with proposed materials and protocols for the enrollee education referenced in subsection 2(b) of this section.

Section 40. Behavioral Health Services. (1) An MCO shall:

- (a) Provide a medically necessary behavioral health service to an enrollee in accordance with the access standards described in Section 15 of this administrative regulation;
- (b) Use the DSM-IV multi-axial classification system to assess an enrollee for a behavioral service;
- (c) Have an emergency or crisis behavioral health toll-free hotline staffed by trained personnel twenty-four (24) hours a day, seven (7) days a week; and
- (d) Not:
  - 1. Operate one (1) hotline to handle an emergency or crisis call and a routine enrollee call; or
  - 2. Impose a maximum call duration limit.
- (2) Staff of a hotline referenced in subsection (1)(c) of this section shall:
  - (a) Communicate in a culturally competent and linguistically accessible manner to an enrollee; and
  - (b) Include or have access to a qualified behavioral health professional to assess and triage a behavioral health emergency.
- (3) A face-to-face emergency service shall be available:
  - (a) Twenty-four (24) hours a day; and
  - (b) Seven (7) days a week.

Section 41. Coordination Between a Behavioral Health Provider and a Primary Care Provider. (1) An MCO shall:

- (a) Require a PCP to have a screening and evaluation procedure for the detection and treatment of, or referral for, a known or suspected behavioral health problem or disorder;[.]
- (b) Provide training to a PCP in its network on:
  - 1. Screening and evaluate a behavioral health disorder;
  - 2. The MCO's referral process for a behavioral health service;
  - 3. Coordination requirements for a behavioral health service; and
  - 4. Quality of care standards;
- (c) Have policies and procedures that shall be approved by the department regarding clinical coordination between a behavioral health service provider and a PCP;
- (d) Establish guidelines and procedures to ensure accessibility, availability, referral, and triage to physical and behavioral health care;
- (e) Facilitate the exchange of information among providers to reduce inappropriate or excessive use of psychopharmacological medications and adverse drug reactions;
- (f) Identify a method to evaluate continuity and coordination of care; and
- (g) Include the monitoring and evaluation of the MCO's compliance with the requirements established in paragraphs (a), (b), (c), and (d) of this subsection in the MCO's quality improvement plan.
- (2) With consent from an enrollee or the enrollee's legal guardian, an MCO shall require a behavioral health service provider to:
  - (a) Refer an enrollee with a known or suspected and untreated physical health problem or disorder to their PCP for examination and treatment; and
  - (b) Send an initial and quarterly summary report of an enrollee's behavioral health status to the enrollee's PCP.

Section 42. Court-Ordered Psychiatric Services. (1) An MCO shall:

- (a) Provide an inpatient psychiatric service to an enrollee under the age of twenty-one (21) and over the age of sixty-five (65);~~up to the annual limit,~~ who has been ordered to receive the service by a court of competent jurisdiction under the provisions of KRS Chapter 202A and 645;
- (b) Not deny, reduce, or negate the medical necessity of an inpatient psychiatric service provided pursuant to a court-ordered commitment for an enrollee under the age of twenty-one (21) or

over the age of sixty-five (65);

(c) Coordinate with a provider of a behavioral health service the treatment objectives and projected length of stay for an enrollee committed by a court of law to a state psychiatric hospital; and

(d) Enter into a collaborative agreement with the state-operated or state-contracted psychiatric hospital assigned to the enrollee's region in accordance with 908 KAR 3:040 and in accordance with the Olmstead decision.

(2) An MCO shall present a modification or termination of a service referenced in subsection (1)(b) of this section to the court with jurisdiction over the matter for determination.

(3)(a) An MCO behavioral health service provider shall:

1. Participate in a quarterly continuity of care meeting with a state-operated or state-contracted psychiatric hospital;

2. Assign a case manager prior to or on the date of discharge of an enrollee from a facility referenced in subsection (3)(a)1 of this section; and

3. Provide case management services to an enrollee with a severe mental illness and co-occurring developmental disability who is discharged from a:

a. Facility referenced in subsection (3)(a)1 of this section; or

b. State-operated nursing facility for individuals with severe mental illness.

(b) A case manager and a behavioral health service provider shall participate in discharge planning to ensure compliance with the Olmstead decision.

Section 43. Legal Guardians. (1) A parent, custodial parent, person exercising custodial control or supervision, or an agency with a legal responsibility for a child by virtue of a voluntary commitment or of an emergency or temporary custody order shall be authorized to act on behalf of an enrollee who is under the age of eighteen (18) years, a potential enrollee, or a former enrollee for the purpose of:

(a) Selecting a primary care provider;

(b) Filing a grievance or appeal; or

(c) Taking an action on behalf of a child regarding an interaction with an MCO.

(2)(a) A legal guardian who has been appointed pursuant to KRS 387.500 to 387.800 shall be allowed to act on behalf of an enrollee who is a ward of the commonwealth.

(b) A person authorized to make a health care decision pursuant to KRS 311.621 to 311.643 shall be allowed to act on behalf of an enrollee, potential enrollee, or former enrollee.

(c) An enrollee shall have the right to:

1. Represent the enrollee; or

2. Use legal counsel, a relative, a friend, or other spokesperson.

Section 44. Utilization Management or UM. (1) An MCO shall:

(a) Have a utilization management program that:

1. Meets the requirements established in 42 C.F.R. 456, 42 C.F.R. 431, 42 C.F.R. 438, and the private review agent requirements of KRS 304.17A, as applicable; and

2. Shall:

a. Identify, define, and specify the amount, duration, and scope of each service that the MCO is required to offer;

b. Review, monitor, and evaluate the appropriateness and medical necessity of care and services;

c. Identify and describe the UM mechanisms used to:

(i) Detect the under or over utilization of services; and

(ii) Act after identifying under utilization or over utilization of services;

d. Have a written UM program description; and

e. Be evaluated annually by the:

(i) MCO, including an evaluation of clinical and service outcomes; and

(ii) Department;[.]

(b) Adopt nationally-recognized standards of care and written criteria that shall be:

1. Based upon sound clinical evidence, if available, for making utilization decisions; and

2. Approved by the department;

(c) Include physicians and other health care professionals in

the MCO network in reviewing and adopting medical necessity criteria;

(d) Have:

1. A process to review, evaluate, and ensure the consistency with which physicians and other health care professionals involved in UM apply review criteria for authorization decisions;

2. A medical director who:

a. Is licensed to practice medicine or osteopathy in Kentucky;

b. Is [a licensed physician and] responsible for treatment policies, protocols, and decisions; and

c.[b:] Supervises the UM program; and

3. Written policies and procedures that explain how prior authorization data will be incorporated into the MCO's Quality Improvement Plan;

(e) Submit a request for a change in review criteria for authorization decisions to the department for approval prior to implementation;

(f) Administer or use a CAHPS survey to evaluate and report enrollee and provider satisfaction with the quality of, and access to, care and services in accordance with Section 55 of this administrative regulation;

(g) Provide written confirmation of an approval of a request for a service within two (2) business days of providing notification of a decision if:

1. The initial decision was not in writing; and

2. Requested by an enrollee or provider;

(h) If the MCO uses a subcontractor to perform UM, require the subcontractor to have

written policies, procedures, and a process to review, evaluate, and ensure consistency with which physicians and other health care professionals involved in UM apply review criteria for authorization decisions; and

(i) Not provide a financial or other type of incentive to an individual or entity that conducts UM activities to deny, limit, or discontinue a medically necessary service to an enrollee pursuant to 42 C.F.R. 422.208, 42 C.F.R. 438.6(h), and 42 C.F.R. 438.210(e).

(2) A UM program description referenced in subsection (1)(a)2.d. of this section shall:

(a) Outline the UM program's structure;

(b) Define the authority and accountability for UM activities, including activities delegated to another party; and

(c) Include the:

1. Scope of the program;

2. Processes and information sources used to determine service coverage, clinical necessity, and appropriateness and effectiveness;

3. Policies and procedures to evaluate:

a. Care coordination;

b. Discharge criteria;

c. Site of services;

d. Levels of care;

e. Triage decisions; and

f. Cultural competence of care delivery; and

4. Processes to review, approve, and deny services as needed.

(3) Only a physician with clinical expertise in treating an enrollee's medical condition or disease shall be authorized to make a decision to deny a service authorization request or authorize a service in an amount, duration, or scope that is less than requested by the enrollee or the enrollee's treating physician.

(4) A medical necessity review process shall be in accordance with Section 45 of this administrative regulation.

Section 45. Service Authorization and Notice. (1) For the processing of a request for initial and continuing authorization of a service, an MCO shall identify what constitutes medical necessity and establish a written policy and procedure, which includes a timeframe for:

(a) Making an authorization decision; and

(b) If the service is denied or authorized in an amount, duration, or scope which is less than requested, providing a notice to an enrollee and provider acting on behalf of and with the consent of an enrollee.

(2) For an authorization of a service, an MCO shall make a decision:

(a) As expeditiously as the enrollee's health condition requires; and

(b) Within two (2) business days following receipt of a request for service.

(3) The timeframe for making an authorization decision referenced in subsection (2) of this section may be extended:

(a) By the:

1. Enrollee, or the provider acting on behalf of and with ~~consent~~content of an enrollee, if the enrollee requests an extension; or

2. MCO, if the MCO:

a. Justifies to the department, upon request, a need for additional information and how the extension is in the enrollee's interest;

b. Gives the enrollee written notice of the extension, including the reason for extending the authorization decision timeframe and the right of the enrollee to file a grievance if the enrollee disagrees with that decision; and

c. Makes and carries out the authorization decision as expeditiously as the enrollee's health condition requires and no later than the date the extension expires; and

(b) Up to fourteen (14) additional calendar days.

(4) If an MCO denies a service authorization or authorizes a service in an amount, duration, or scope which is less than requested, the MCO shall provide:

~~(a)] a notice;~~

**(a)** To the:

1. Enrollee, in writing, as expeditiously as the enrollee's condition requires and within two (2) business days of receipt of the request for service; and

2. Requesting provider, if applicable;

(b) ~~[For an adverse action relating to medical necessity and a coverage denial, a notice to the enrollee.]~~ Which shall:

1. Meet the language and formatting requirements established in 42 C.F.R. 438.404;

2. Include the:

a. Action the MCO or its subcontractor, if applicable, has taken or intends to take;

b. Reason for the action;

c. Right of the enrollee or provider who is acting on behalf of the enrollee to file an MCO appeal;

d. Right of the enrollee to request a state fair hearing;

e. Procedure for filing an appeal and requesting a state fair hearing;

f. Circumstance under which an expedited resolution is available and how to request it; and

g. Right to have benefits continue pending resolution of the appeal, how to request that benefits be continued, and the circumstance under which the enrollee may be required to pay the costs of these services; and

3. Be provided:

a. At least ten (10) days before the date of action if the action is a termination, suspension, or reduction of a covered service authorized by the department, department designee, or enrollee's MCO, except the department may shorten the period of advance notice to five (5) days before the date of action because of probable fraud by the enrollee;

b. By the date of action for the following:

(i) The death of a member;

(ii) A signed written enrollee statement requesting service termination or giving information requiring termination or reduction of services in which the enrollee understands this must be the result of supplying the information;

(iii) The enrollee's address is unknown and mail directed to the enrollee has no forwarding address;

(iv) The enrollee has been accepted for Medicaid services by another local jurisdiction;

(v) The enrollee's admission to an institution results in the enrollee's ineligibility for more services;

(vi) The enrollee's physician prescribes a change in the level of medical care;

(vii) An adverse decision has been made regarding the pread-

mission screening requirements for a nursing facility admission, pursuant to 907 KAR 1:755, on or after January 1, 1989; and

(viii) The safety or health of individuals in a facility would be endangered, if the enrollee's health improves sufficiently to allow a more immediate transfer or discharge, an immediate transfer or discharge is required by the enrollee's urgent medical needs, or an enrollee has not resided in the nursing facility for thirty (30) days;

c. On the date of action, if the action is a denial of payment;

d. As expeditiously as the enrollee's health condition requires and within two (2) business days following receipt of a request;

e. When the MCO carries out its authorization decision, as expeditiously as the enrollee's health condition requires and no later than the date the extension as identified in subsection (3) of this section expires;

f. If a provider indicates or the MCO determines that following the standard timeframe could seriously jeopardize the enrollee's life or health, or ability to attain, maintain or regain maximum function, as expeditiously as the enrollee's health condition requires and no later than two (2) business days after receipt of the request for service; and

g. For an authorization decision not made within the timeframe identified in subsection (2) of this section, on the date the timeframe expires as this shall constitute a denial.

Section 46. Health Risk Assessment. An MCO shall:

(1) ~~[Conduct an initial health risk assessment of an enrollee at the implementation of the MCO program within 180 days from enrolling the individual;~~

~~(2)]~~ After the initial implementation of the MCO program, conduct an initial health risk assessment of an enrollee ~~within~~within ninety (90) days of enrolling the individual if the individual has not been enrolled with the MCO in a prior twelve (12) month period;

~~(2)]~~~~(3)]~~ Use health care professionals in the health risk assessment process;

~~(3)]~~~~(4)]~~ Screen an enrollee who it believes to be pregnant within thirty (30) days of enrollment;

~~(4)]~~~~(5)]~~ If an enrollee is pregnant, refer the enrollee for prenatal care;

~~(5)]~~~~(6)]~~ Use a health risk assessment to determine an enrollee's need for:

(a) Care management;

(b) Disease management;

(c) A behavioral health service;

(d) A physical health service or procedure; or

(e) A community service.

Section 47. Care Coordination and Management. An MCO shall:

(1) Have a care coordinator and a case manager who shall:

~~(a)]~~~~to~~ Arrange, assure delivery of, monitor, and evaluate care, treatment, and services for an enrollee; and

(b) Not duplicate or supplant services provided by a targeted case manager to:

1. Adults with a chronic mental illness pursuant to 907 KAR 1:515; or

2. Children with a serious emotional disability pursuant to 907 KAR 1:525;

(2) Have guidelines for care coordination that shall be approved by the department prior to implementation;

(3) Develop a plan of care for an enrollee in accordance with 42 C.F.R. 438.208;

(4) Have policies and procedures to ensure access to care coordination for a DCBS client or a DAIL client;

(5) Provide information on and coordinate services with the Women, Infants and Children program; and

(6) Provide information to an enrollee and a provider regarding:

(a) An available care management service; and

(b) How to obtain a care management service.

Section 48. Quality Assessment and Performance Improvement (QAPI) Program. An MCO shall:

(1) Have a quality assessment and performance improvement (QAPI) program that shall:

(a) Conform to the requirements of 42 C.F.R. 438, subpart D;

- (b) Assess, monitor, evaluate, and improve the quality of care provided to an enrollee;
- (c) Provide for the evaluation of:
  1. Access to care;
  2. Continuity of care;
  3. Health care outcomes; and
  4. Services provided or arranged for by the MCO;
- (d) Demonstrate the linkage of Quality Improvement (QI) activities to findings from a quality evaluation; and
- (e) Be developed in collaboration with input from enrollees;
- (2) Submit annually to the department a description of its QAPI program;
- (3) Conduct and submit to the department an annual review of the program;
- (4) Maintain documentation of:
  - (a) Enrollee input;
  - (b) Response;
  - (c) A performance improvement activity; and
  - (d) MCO feedback to an enrollee;
- (5)(a) Have or obtain within four (4) years of initial implementation National Committee for Quality Assurance (NCQA) accreditation for its Medicaid product line; and;
- (b) After obtaining NCQA accreditation, maintain the accreditation;
- (6) If the MCO has NCQA accreditation:
  - (a) Submit to the department a copy of its current certificate of accreditation with a copy of the complete accreditation survey report; and
  - (b) Maintain the accreditation;
- (7) Integrate behavioral health service indicators into its QAPI program;
- (8) Include a systematic, on-going process for monitoring, evaluating, and improving the quality and appropriateness of a behavioral health service provided to an enrollee;
- (9) Collect data, monitor, and evaluate for evidence of improvement to a physical health outcome resulting from integration of behavioral health into an enrollee's care; and
- (10) Annually review and evaluate the effectiveness of the QAPI program.

Section 49. Quality Assessment and Performance Improvement Plan. (1) An MCO shall:

- (a) Have a written QAPI work plan that:
  1. Outlines the scope of activities;
  2. Is submitted quarterly to the department; and
  3. Sets goals, objectives, and timelines for the QAPI program;
- (b) Set new goals and objectives:
  1. At least annually; and
  2. Based on a finding from:
    - a. A quality improvement activity or study;
    - b. A survey result;
    - c. A grievance or appeal;
    - d. A performance measure; or
    - e. The External Quality Review Organization;
- (c) Be accountable to the department for the quality of care provided to an enrollee;
- (d) Obtain approval from the department for its QAPI program and annual QAPI work plan;
- (e) Have an accountable entity within the MCO:
  1. To provide direct oversight of its QAPI program; and
  2. That shall review reports from the quality improvement committee referenced in paragraph (h) of this subsection;
- (f) Review its QAPI program annually;
- (g) Modify its QAPI program to accommodate a review finding or concern of the MCO if a review finding or concern occurs;
- (h) Have a quality improvement committee that shall:
  1. Be responsible for the QAPI program;
  2. Be interdisciplinary;
  3. Include:
    - a. Providers and administrative staff; and
    - b. Health professionals with knowledge of and experience with individuals with special health care needs;
  4. Meet on a regular basis;

- 5. Document activities of the committee;
- 6. Make committee minutes and a committee report available to the department upon request; and
- 7. Submit a report to the accountable entity referenced in paragraph (c) of this subsection that shall include:
  - a. A description of the QAPI activities;
  - b. Progress on objectives; and
  - c. Improvements made;
- (i) Require a provider to participate in QAPI activities in the provider agreement or subcontract; and
- (j) Provide feedback to a provider or a subcontractor regarding integration of or operation of a corrective action necessary in a QAPI activity if a corrective action is necessary.
- (2) If a QAPI activity of a provider or a subcontractor is separate from an MCO's QAPI program, the activity shall be integrated into the MCO's QAPI program.

Section 50. QAPI Monitoring and Evaluation. (1) Through its QAPI program an MCO shall:

- (a) Monitor and evaluate the quality of health care provided to an enrollee;
- (b) Study and prioritize health care needs for performance measurement, performance improvement, and development of practice guidelines;
- (c) Use a standardized quality indicator:
  1. To assess improvement, assure achievement of at least a minimum performance level, monitor adherence to a guideline, and identify a pattern of over and under utilization of a service; and
  2. Which shall be:
    - a. Supported by a valid data collection and analysis method; and
    - b. Used to improve clinical care and services;
- (d) Measure a provider performance against a practice guideline and a standard adopted by the quality improvement committee;
- (e) Use a multidisciplinary team to analyze and address data and systems issues; and
- (f) Have practice guidelines that shall:
  1. Be:
    - a. Disseminated to a provider, or upon request, to an enrollee;
    - b. Based on valid and reliable medical evidence or consensus of health professionals;
    - c. Reviewed and updated; and
    - d. Used by the MCO in making a decision regarding utilization management, a covered service and enrollee education;
  2. Consider the needs of enrollees; and
  3. Include consultation with network providers.
- (2) If an area needing improvement is identified by the QAPI program, the MCO shall take a corrective action and monitor the corrective action for improvement.

Section 51. Quality and Member Access Committee. (1) An MCO shall:

- (a) Have a Quality and Member Access Committee (QMAC) composed of:
  1. Enrollees who shall be representative of the enrollee population; and
  2. Individuals from consumer advocacy groups or the community who represent the interests of enrollees in the MCO; and
- (b) Submit to the department annually a list of enrollee representatives participating in the QMAC.
- (2) A QMAC committee shall be responsible for reviewing:
  - (a) Quality and access standards;
  - (b) The grievance and appeals process;
  - (c) Policy modifications needed based on reviewing aggregate grievance and appeals data;
  - (d) The member handbook;
  - (e) Enrollee education materials;
  - (f) Community outreach activities; and
  - (g) MCO and department policies that affect enrollees.

Section 52. External Quality Review. (1) In accordance with 42 U.S.C. 1396a(a)(30), the department shall have an independent external quality review organization (EQRO) annually review the

quality of services provided by an MCO.

(2) An MCO shall:

(a) Provide information to the EQRO as requested to fulfill the requirements of the mandatory and optional activities required in 42 C.F.R. Parts 433 and 438; and

(b) Cooperate and participate in external quality review activities in accordance with the protocol established in 42 C.F.R. 438 subpart E.

(3) The department shall have the option of using information from a Medicare or private accreditation review of an MCO in accordance with 42 C.F.R. 438.360.

(4) If an adverse finding or deficiency is identified by an EQRO conducting an external quality review, an MCO shall correct the finding or deficiency.

Section 53. Health Care Outcomes. An MCO shall:

(1) Comply with the requirements established in 42 C.F.R. 438.240 relating to quality assessment and performance improvement;

(2) Collaborate with the department to establish a set of unique Kentucky Medicaid managed care performance measures which shall:

(a) Be aligned with national and state preventive initiatives; and

(b) Focus on improving health;

(3) In collaboration with the department and the EQRO, develop a performance measure specific to individuals with special health care needs;

(4) Report activities on performance measures in the QAPI work plan referenced in Section 49 of this regulation;

(5) Submit an annual report to the department after collecting performance data which shall be stratified by:

(a) Medicaid eligibility category;

(b) Race;

(c) Ethnicity;

(d) Gender; and

(e) Age;

(6) Collect and report HEDIS data annually; and

(7) Submit to the department:

(a) The final auditor's report issued by the NCQA certified audit organization;

(b) A copy of the interactive data submission system tool used by the MCO; and

(c) The reports specified in MCO Reporting Requirements.

Section 54. Performance Improvement Projects (PIPs). (1) An MCO shall:

(a) Implement PIPs to address aspects of clinical care and non-clinical services;

(b) Collaborate with local health departments, behavioral health agencies, and other community-based health or social service agencies to achieve improvements in priority areas;

(c) Initiate a minimum of two (2) PIPs each year with at least one (1) PIP relating to physical health and at least one (1) PIP relating to behavioral health;

(d) Report on a PIP using standardized indicators;

(e) Specify a minimum performance level for a PIP; and

(f) Include the following for a PIP:

1. The topic and its importance to enrolled members;

2. Methodology for topic selection;

3. Goals of the PIP;

4. Data sources and collection methods;

5. An intervention; and

6. Results and interpretations.

(2) A clinical PIP shall address preventive and chronic healthcare needs of enrollees including:

(a) The enrollee population;

(b) A subpopulation of the enrollee population; and

(c) Specific clinical need of enrollees with conditions and illnesses that have a higher prevalence in the enrolled population.

(3) A non-clinical PIP shall address improving the quality, availability, and accessibility of services provided by an MCO to enrollees and providers.

(4) The department may require an MCO to implement a PIP specific to the MCO if:

(a) A finding from an EQRO review referenced in Section 52 or an audit indicates a need for a PIP; or

(b) Directed by CMS.

(5) The department shall be authorized to require an MCO to assist in a statewide PIP which shall be limited to providing the department with data from the MCO's service area.

Section 55. Enrollee and Provider Surveys. (1) An MCO shall:

(a) Conduct an annual survey of enrollee and provider satisfaction of the quality and accessibility to a service provided by an MCO;

(b) Satisfy a member satisfaction survey requirement by participating in the Agency for Health Research and Quality's current Consumer Assessment of Healthcare Providers and Systems Survey (CAHPS) for Medicaid Adults and Children, which shall be administered by an NCQA-certified survey vendor;

(c) Provide a copy of the current CAHPS survey referenced in paragraph (b) of this subsection to the department;

(d) Annually assess the need for conducting other surveys to support quality and performance improvement initiatives;

(e) Submit to the department for approval the survey tool used to conduct the survey referenced in paragraph (a) of this subsection; and

(f) Provide to the department:

1. A copy of the results of the enrollee and provider surveys referenced in paragraph (a) of this subsection;

2. A description of a methodology to be used to conduct surveys;

3. The number and percentage of enrollees and providers surveyed;

4. Enrollee and provider survey response rates;

5. Enrollee and provider survey findings; and

6. Interventions conducted or planned by the MCO related to activities in this section.

(2) The department shall:

(a) Approve enrollee and provider survey instruments prior to implementation; and

(b) Approve or disapprove an MCO's provider survey tool within fifteen (15) days of receipt of the survey tool.

(3) If an MCO conducts a survey that targets a subpopulation's perspective or experience with access, treatment, and services, the MCO shall comply with the requirements established in subsection (1)(e) and (f) of this section.

Section 56. Prompt Payment of Claims (1) In accordance with 42 U.S.C. 1396a(a)(37), an MCO shall:

(a) Implement claims payment procedures that ensure that:

~~1. Ninety (90) percent of all provider claims for which no further written information or substantiation is required in order to make payment are paid or denied within thirty (30) days of the date of receipt of the claims; and~~

~~2. Ninety-nine (99) percent of all claims are processed within ninety (90) days of the date of receipt of the claims; and~~

~~(b)] have prepayment and postpayment claims review procedures that ensure the proper and efficient payment of claims and management of the program.~~

(2) An MCO shall:

(a) Comply with the prompt payment provisions established in:

1. 42 C.F.R. 447.45; and

2. KRS 205.593, KRS 304.14-135, and KRS 304.17A-700-730; and

(b) Notify a requesting provider of a decision to:

1. Deny a claim; or

2. Authorize a service in an amount, duration, or scope that is less than requested.

(3) The payment provisions in this section shall apply to a payment to:

(a) A provider within the MCO network; and

(b) An out-of-network provider.

Section 57. Payments to an MCO. (1) The department shall provide an MCO a per enrollee, per month capitation payment whether or not the enrollee receives a service during the period covered by the payment except for an enrollee whose eligibility is

determined due to being unemployed in accordance with 45 C.F.R. 233.100.

(2) The monthly capitation payment for an enrollee whose eligibility is determined due to being unemployed, shall be prorated from the date of eligibility.

(3) A capitation rate referenced in subsection (1) of this section shall:

(a) Meet the requirements of 42 C.F.R. 438.6(c); and

(b) Be approved by the Centers for Medicare and Medicaid Services; and

(4)(a) The department shall apply a risk adjustment to a capitation rate referenced in subsection (4) of this section in an amount that shall be budget neutral to the department.

(b) The department shall use the latest version of the Chronic Illness and Disability Payment System to determine the risk adjustment referenced in paragraph (a) of this subsection.

Section 58. Recoupment of Payment from an Enrollee for Fraud, Waste and Abuse. (1) If an enrollee is determined to be ineligible for Medicaid through an administrative hearing or adjudication of fraud by the CHFS OIG, the department shall recoup a capitation payment it has made to an MCO on behalf of the enrollee.

(2) An MCO shall request a refund from the enrollee referenced in subsection (1) of this section of a payment the MCO has made to a provider for the service provided to the enrollee.

(3) If an MCO has been unable to collect a refund referenced in subsection (2) of this section within six (6) months, the commonwealth shall have the right to recover the refund.

Section 59. MCO Administration. An MCO shall have executive management responsible for operations and functions of the MCO that shall include:

(1) An executive director who shall:

(a) Act as a liaison to the department regarding a contract between the MCO and the department;

(b) Be authorized to represent the MCO regarding an inquiry pertaining to a contract between the MCO and the department;

(c) Have decision making authority; and

(d) Be responsible for following up regarding a contract inquiry or issue;

(2) A medical director who shall be:

(a) A physician licensed to practice medicine in Kentucky;

(b) Actively involved in all major clinical programs and quality improvement components of the MCO; and

(c) Available for after-hours consultation;

(3) A dental director who shall be:

(a) Licensed by a dental board of licensure in any state;

(b) Actively involved in all oral health programs of the MCO; and

(c) Available for after-hours consultation;

(4)(a) A finance officer who shall oversee the MCO's budget and accounting systems; and

(b) An internal auditor who shall ensure compliance with adopted standards and review expenditures for reasonableness and necessity;

(5) A quality improvement director who shall be responsible for the operation of:

(a) The MCO's quality improvement program; and

(b) A subcontractor's quality improvement program;

(6) A behavioral health director who shall be:

(a) A behavioral health practitioner;

(b) Actively involved in all of the MCO's programs or initiatives relating to behavioral health; and

(c) Responsible for the coordination of behavioral health services provided by the MCO or any of its behavioral health subcontractors;

(7) A case management coordinator who shall be responsible for coordinating and overseeing case management services and continuity of care for MCO enrollees;

(8) An early and periodic screening, diagnosis, and treatment (EPSDT) coordinator who shall coordinate and arrange for the provision of EPSDT services and EPSDT special services for MCO enrollees;

(9) A foster care and subsidized adoption care liaison who shall serve as the MCO's primary liaison for meeting the needs of an enrollee who is:

(a) A child in foster care; or

(b) A child receiving state-funded adoption assistance;

(10) A guardianship liaison who shall serve as the MCO's primary liaison for meeting the needs of an enrollee who is a ward of the commonwealth;

(11) A management information systems director who shall oversee, manage, and maintain the MCO's management information system;

(12) A program integrity coordinator who shall coordinate, manage, and oversee the MCO's program integrity functions;

(13) A pharmacy director who shall coordinate, manage, and oversee the MCO's pharmacy program;

(14) A compliance director who shall be responsible for the MCO's:

(a) Financial and programmatic accountability, transparency, and integrity; and

(b) Compliance with:

1. All applicable federal and state law;

2. Any administrative regulation promulgated by the department relating to the MCO; and

3. The requirements established in the contract between the MCO and the department;

(15) A member services director who shall:

(a) Coordinate communication with MCO enrollees; and

(b) Respond in a timely manner to an enrollee seeking a resolution of a problem or inquiry;

(16) A provider services director who shall:

(a) Coordinate communication with MCO providers and subcontractors; and

(b) Respond in a timely manner to a provider seeking a resolution of a problem or inquiry; and

(17) A claims processing director who shall ensure the timely and accurate processing of claims.

Section 60. MCO Reporting Requirements. An MCO shall:

(1) Submit to the department a report as required by MCO Reporting Requirements;

(2) Verify the accuracy of data and information on a report submitted to the department;

(3) Analyze a required report to identify an early pattern of change, a trend, or an outlier before submitting the report to the department; and

(4) Submit the analysis required in subsection (3) of this section with a required report.

Section 61. Health Care Data Submission and Penalties. (1)(a) An MCO shall submit an original encounter record and denial encounter record, if any, to the department weekly.

(b) An original encounter record or a denial encounter record shall be considered late if not received by the department within four (4) calendar days from the weekly due date.

(c) Beginning on the fifth calendar day late, the department shall withhold \$500 per day for each day late from an MCO's total capitation payments for the month following non-submission of an original encounter record and denial encounter record.

(2)(a) If an MCO fails to submit health care data derived from processed claims or encounter data in a form or format established in the MCO Reporting Requirements for one (1) calendar month, the department shall withhold an amount equal to five (5) percent of the MCO's capitation payment for the month following non-submission.

(b) The department shall retain the amount referenced in paragraph (a) of this subsection until the data is received and accepted by the department, less \$500 per day for each day late.

(3)(a) The department shall transmit to an MCO an encounter record with an error for correction by the MCO.

(b) An MCO shall have ten (10) days to submit a corrected encounter record to the department.

(c) If an MCO fails to submit a corrected encounter record within the time frame specified in paragraph (b) of this subsection, the department shall be able to assess and withhold for the month



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following the non-submission, an amount equal to one-tenth of a percent of the MCO's total capitation payments per day until the corrected encounter record is received and accepted by the department.

Section 62. Program Integrity. An MCO shall comply with:

- (1) 42 C.F.R. 438.608;
- (2) 42 U.S.C. 1396a(a)(68); and
- (3) The requirements established in the MCO Program Integrity Requirements.

Section 63. Third Party Liability and Coordination of Benefits.

(1) Medicaid shall be the payer of last resort for a service provided to an enrollee.

(2) An MCO shall:

- (a) Exhaust a payment by a third party prior to payment for a service provided to an enrollee;
- (b) Be responsible for determining a legal liability of a third party to pay for a service provided to an enrollee;
- (c) Actively seek and identify a third party liability resource to pay for a service provided to an enrollee in accordance with 42 C.F.R. 433.138; and
- (d) Assure that Medicaid shall be the payer of last resort for a service provided to an enrollee.

(3) In accordance with 907 KAR 1:011 and KRS 205.624, an enrollee shall:

(a) Assign, in writing, the enrollee's rights to an MCO for a medical support or payment from a third party for a medical service provided by the MCO; and

(b) Cooperate with an MCO in identifying and providing information to assist the MCO in pursuing a third party that shall be liable to pay for a service provided by the MCO.

(4) If an MCO becomes aware of a third party liability resource after payment for a service provided to an enrollee, the MCO shall seek recovery from the third party resource.

(5) An MCO shall have a process for third party liability and coordination of benefits in accordance with Third Party Liability and Coordination of Benefits.

Section 64. Management Information System. (1) An MCO shall:

(a) Have a management information system that shall:

1. Provide support to the MCO operations; and

2. **Except as allowed in subsection (2) of this section, include a:**

- a. Member subsystem;
- b. Third party liability subsystem;
- c. Provider subsystem;
- d. Reference subsystem;
- e. Claim processing subsystem;
- f. Financial subsystem;
- g. Utilization and quality improvement subsystem; and
- h. Surveillance utilization review subsystem; and

(b) Transmit data to the department:

1. In accordance with 42 C.F.R. 438[.]and [2.] the Management Information System Requirements.

(2) **An MCO's management information system shall not be required to have the subsystems listed in subsection (1)(a)2. of this section if the MCO's management information system:**

**(a) Has the capacity to:**

**1. Capture and provide the required data captured by the subsystems listed in subsection (1)(a)2. of this section; and**

**2. Provide the data in formats and files that shall be consistent with the subsystems listed in subsection (1)(a)2. which the department operates; and**

**(b) Meets the requirements established in paragraph (a) of this subsection in a way which shall be mapped to the subsystem concept established in subsection (1)(a)2. of this section.**

(3) If an MCO subcontracts for services, the MCO shall provide guidelines for its subcontractor to the department for approval.

Section 65. Kentucky Health Information Exchange (KHIE). (1) An MCO shall:

(a) Submit to the KHIE:

1. An adjudicated claim within twenty-four (24) hours of the final claim adjudication; and

2. Clinical data as soon as it is available;

(b) Make an attempt to have a PCP in the MCO's network connect to KHIE within:

1. One (1) year of enrollment in the MCO's network; or

2. A timeframe approved by the department if greater than one (1) year; and

(c) Encourage a provider in its network to establish connectivity with the KHIE.

(2) The department shall:

(a) Administer an electronic health record incentive payment program; and

(b) Inform an MCO of a provider that has received an electronic health record incentive payment.

Section 66. MCO Qualifications and Maintenance of Records.

(1) An MCO shall:

(a) Be licensed by the Department of Insurance as a health maintenance organization or an insurer;

(b) Have a governing body;

(c) Have protection against insolvency in accordance with:

1. 806 KAR 3:190; and

2. 42 C.F.R. 438.116;

(d) Maintain all books, records, and information related to MCO providers, recipients, or recipient services, and financial transactions for:

1. A minimum of five (5) years in accordance with 907 KAR 1:672; and

2. Any additional time period as required by federal or state law; and

(e) Submit a request for disclosure of information **subject to open records laws (KRS 61.870 – 884) received** from the public to the department within twenty-four (24) hours.

(2) No information shall be disclosed by an MCO pursuant to a request it received without prior written authorization from the department.

(3) The books, records, and information referenced in subsection (1)(d) of this section, shall be available upon request of a reviewer or auditor during routine business hours at the MCO's place of operations.

(4) MCO staff shall be available upon request of a reviewer or auditor during routine business hours at the MCO's place of operations.

Section 67. Prohibited Affiliations. The policies or requirements:

(1) Imposed on a managed care entity in 42 U.S.C. 1396u-2(d)(1) shall apply to an MCO; and

(2) Established in 42 C.F.R. 438.610 shall apply to an MCO.

Section 68. Termination of MCO Participation in the Medicaid Program. The department shall terminate an MCO Participation in accordance with KRS Chapter 45A.

Section 69. Incorporation by Reference. (1) The following is incorporated by reference into this administrative regulation:

(a) The "MCO Reporting Requirements", July 2011 edition;

(b) The "MCO Program Integrity Requirements", July 2011 edition;

(c) The "Early and Periodic Screening, Diagnosis and Treatment Program Periodicity Schedule", July 2011 edition;

(d) The "Third Party Liability and Coordination of Benefits", July 2011 edition; and

(e) The "Management Information Systems Requirements", July 2011 edition.

(2) The material referenced in subsection (1) of this section shall be available at:

(a) <http://www.chfs.ky.gov/dms/incorporated.htm>; or

(b) The Department for Medicaid Services, 275 East Main Street, Frankfort, Kentucky 40621, Monday through Friday, 8 a.m. to 4:30 p.m.

NEVILLE WISE, Acting Commissioner

JANIE MILLER, Secretary

APPROVED BY AGENCY: February 14, 2012

FILED WITH LRC: February 15, 2012 at 10 a.m.

CONTACT PERSON: Jill Brown, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, Kentucky 40601, phone (502) 564-7905, fax (502) 564-7573.

#### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stuart Owen (502) 564-4321

(1) Provide a brief summary of:

(a) What this administrative regulation does: This is a new administrative regulation which establishes the Kentucky Medicaid Program managed care policies and requirements for every region in Kentucky except for region three (3.) Region three (3) is comprised of Jefferson County and fifteen (15) other counties neighboring or nearby Jefferson County. Under managed care, each Medicaid recipient (except for those excluded from managed care participation) residing outside of region three (3) will be given a choice of enrolling with one (1) of three (3) managed care organizations (MCOs) for the purpose of receiving Medicaid services and benefits. The three (3) MCOs are CoventryCares, Kentucky Spirit Health Plan and WellCare. Recipients residing in region three (3) will remain under the responsibility of the managed care organization, Passport Health Plan, that currently serves that region. Individuals who fail to choose an MCO will be assigned to one by the Department for Medicaid Services. Some individuals, including recipients residing in a nursing facility or in an intermediate care facility for individuals with mental retardation or a developmental disability, individuals receiving services through a home and community based waiver (or "1915c waiver"), individuals eligible for Medicare and certain categories of children under age nineteen (19), to name a few, will be excluded from managed care enrollment. The excluded individuals will remain under the umbrella of the Kentucky Medicaid "fee-for-service" reimbursement/delivery model. The proposed changes under the waiver and any necessary plan revisions will be contingent upon the approval of the Centers for Medicare and Medicaid Services.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to establish the Kentucky Medicaid Program managed care policies and requirements for every region in Kentucky except for region three (3.) Transforming the majority of the Medicaid program from a fee-for-service model into a managed care model is necessary to improve quality of care, facilitate access to care, and to effectively manage costs.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by establishing the Kentucky Medicaid Program managed care policies and requirements for every region in Kentucky except for region three (3.) DMS anticipates that this action will effectively manage costs while enhancing service quality and facilitating access to care.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in the effective administration of the authorizing statutes by establishing the Kentucky Medicaid Program managed care policies and requirements for every region in Kentucky except for region three (3.) DMS anticipates that this action will effectively manage costs while enhancing service quality and facilitating access to care.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment after comments clarifies various policies as well as corrects typographical mistakes. One such example is that it clarifies the status of qualified Medicare beneficiaries regarding managed care enrollment. The original administrative regulation established that QMBs are excluded from managed care participation; however, the exclusion only applies to individuals who are solely eligible for Medicaid benefits as a result of being QMBs. Some individuals are QMBs as well as eligible for Medicaid via other categories as well and those individuals are not excluded from managed care participation.

(b) The necessity of the amendment to this administrative regulation: The amendment after comments is necessary to clarify policy.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment after comments conforms to the content of the authorizing statutes by clarifying Medicaid managed care organization policies (for managed care provided outside of region three (3)).

(d) How the amendment will assist in the effective administration of the statutes: The amendment after comments will assist in the effective administration of the authorizing statutes by clarifying Medicaid managed care organization policies (for managed care provided outside of region three (3)).

(3) List the type and number of individuals, businesses, organizations, or state and local government affected by this administrative regulation: Medicaid providers, Medicaid recipients (except those excluded from managed care) and the three (3) managed care organizations providing Medicaid covered services under contract with the Commonwealth will be affected by the administrative regulation.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Medicaid recipients who participate in managed care must either choose a managed care organization or be assigned to one (1) if they fail to choose one (1) within the time period required. Managed care organizations will be responsible for providing Medicaid covered services to recipients enrolled with them. In order to be reimbursed for providing care (covered under managed care) to Medicaid recipients, providers must enroll with a managed care organization.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3). No cost is imposed.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3). Medicaid recipients should benefit from the following components of managed care: coordinated care, a medical home focused on improving health outcomes, a plan of care which coordinates physical and behavioral health, and the MCO emphasis on wellness and prevention. Managed care organizations will benefit by receiving payments from DMS pursuant to their contract with the Commonwealth.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: Rather than increase expenditures, DMS estimates that implementing the administrative regulation will reduce Medicaid benefit expenditures by approximately \$281.6 million (state and federal combined) in state fiscal year (SFY) 2012 with a November 1, 2011 implementation. The impact on the Medicaid budget for SFY 2012 takes into consideration the one-time incurred claims cost for Medicaid recipients enrolled in managed care for services received by them prior to November 1, 2011 as well as other factors.

(b) On a continuing basis: DMS projects that implementing the administrative regulation will reduce Medicaid benefit expenditures by approximately \$464.1 million (state and federal combined) in SFY 2013 and \$552.5 million (federal and state combined) in SFY 2014. These estimates may vary from the actual enrollment and are subject to change.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The sources of revenue to be used for implementation and enforcement of this administrative regulation are federal funds authorized under Title XIX of the Social Security Act and state matching funds comprised of general fund and restricted fund appropriations.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Neither an increase in fees nor funding are necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This

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administrative regulation neither establishes nor directly or indirectly increases any fees.

(9) Tiering: Is tiering applied? Tiering is applied in that certain individuals are excluded from managed care enrollment. Federal regulation or law excludes the individuals from being enrolled into managed care.

### FEDERAL MANDATE ANALYSIS COMPARISON

1. Federal statute or regulation constituting the federal mandate. A managed care program is not federally mandated for Medicaid programs.

2. State compliance standards. KRS 205.520(3) states, "Further, it is the policy of the Commonwealth to take advantage of all federal funds that may be available for medical assistance. To qualify for federal funds the secretary for health and family services may by regulation comply with any requirement that may be imposed or opportunity that may be presented by federal law. Nothing in KRS 205.510 to 205.630 is intended to limit the secretary's power in this respect."

3. Minimum or uniform standards contained in the federal mandate. A managed care program is not federally mandated for Medicaid programs.

4. Will this administrative regulation impose stricter requirements, or additional or different responsibilities or requirements, than those required by the federal mandate? No, this change relates to provision of managed care but does not impose additional or stricter requirements.

5. Justification for the imposition of the stricter standard, or additional or different responsibilities or requirements. A managed care method of administering the program is being implemented but stricter requirements are not imposed. A managed care program is not federally mandated for Medicaid programs.

### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments or school districts)? Yes.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department for Medicaid Services will be affected by this administrative regulation. Additionally, county-owned hospitals, university hospitals, local health departments, and primary care centers owned by government entities will be affected by this administrative regulation.

3. Identify each state or federal regulation that requires or authorizes the action taken by the administrative regulation. 42 C.F.R. 438 and this administrative regulation authorizes the action taken by this administrative regulation.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? Rather than increase expenditures, DMS estimates that implementing the administrative regulation will reduce Medicaid benefit expenditures by approximately \$281.6 million (state and federal combined) in state fiscal year (SFY) 2012 with a November 1, 2011 implementation. The impact on the Medicaid budget for SFY 2012 takes into consideration the one-time incurred claims cost for Medicaid recipients enrolled in managed care for services received by them prior to November 1, 2011 as well as other factors.

(d) How much will it cost to administer this program for subsequent years? DMS projects that implementing the administrative regulation will reduce Medicaid benefit expenditures by approximately \$464.1 million (state and federal combined) in SFY 2013

and \$552.5 million (federal and state combined) in SFY 2014. These estimates may vary from the actual enrollment and are subject to change.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

PROPOSED AMENDMENTS RECEIVED THROUGH NOON, FEBRUARY 15, 2012

KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY  
Division of Student and Administrative Services  
(Amendment)

11 KAR 4:080. Student aid applications.

RELATES TO: KRS 164.518, 164.744(2), 164.748(4), (7), (8), 164.753(3), (4), (6), 164.7535, 164.769, 164.780, 164.785, 164.7890, 34 C.F.R. 654.1-654.5, 654.30-654.52, 20 U.S.C. 1070d-31 - 1070d-41

STATUTORY AUTHORITY: KRS 164.518(3), 164.746(6), 164.748(4), 164.753(3), (6), 164.7535, 164.769(5), (6)(f), 34 C.F.R. 654.30, 654.41, 20 U.S.C. 1070d-37, 1070d-38

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.748(4) authorizes the Authority to promulgate administrative regulations pertaining to the awarding of grants, scholarships, and honorary scholarships as provided in KRS 164.740 to 164.7891. This administrative regulation designates and incorporates the applications to be utilized under the grant, scholarship, and work-study programs administered by KHEAA.

Section 1. Applications. In order to participate in a specified grant, scholarship, or work-study program administered by the Kentucky Higher Education Assistance Authority, the following application forms shall be completed in accordance with their instructions:

(1) For the KHEAA Grant Program as set forth in 11 KAR 5:130, the 2012-2013[2010-2014] Free Application for Federal Student Aid (FAFSA);

(2) For the KHEAA Work-Study Program as set forth in 11 KAR 6:010, the KHEAA Work-Study Program Student Application;

(3) For the Teacher Scholarship Program as set forth in 11 KAR 8:030, the Teacher Scholarship Application;

(4) For the Early Childhood Development Scholarship Program as set forth in 11 KAR 16:010:

(a) The 2012-2013[2010-2014] Free Application for Federal Student Aid (FAFSA);

(b) The Early Childhood Development Scholarship Application;

(5) For the Robert C. Byrd Honors Scholarship Program as set forth in 11 KAR 18:010:

(a) For high school and home school students, the Robert C. Byrd Honors Scholarship Program; and

(b) For GED recipients, the Robert C. Byrd Honors Scholarship Program GED Recipients;

(6) For the Go Higher Grant Program as set forth in 11 KAR 5:200;

(a) The 2012-2013[2010-2014] Free Application for Federal Student Aid (FAFSA)[(FASFA)]; and

(b) The Go Higher Grant Program Application; and

(7) For the Coal County Scholarship Program for Pharmacy Students as set forth in 11 KAR 19:010, the Coal County Scholarship Program for Pharmacy Students Application.

Section 2. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) The "Free Application for Federal Student Aid July 1, 2012 – June 30, 2013" (FAFSA)["2010-2011 Free Application for Federal Student Aid] (FAFSA)], December 2011[2009];

(b) The "KHEAA Work-Study Program Student Application", July 2001;

(c) The "Teacher Scholarship Application", June 2006;

(d) The "Early Childhood Development Scholarship Application", April 2006;

(e) The "Robert C. Byrd Honors Scholarship Program", June 2009;

(f) The "Robert C. Byrd Honors Scholarship Program-GED Recipients", June 2009;

(g) The "Go Higher Grant Program Application", January 2008; and

(h) The "Coal County Scholarship Program for Pharmacy Students Application", February 2011.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Higher Education Assistance Authority, 100 Airport Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. The material may also be obtained at [www.kheaa.com](http://www.kheaa.com).

KRISTI P. NELSON, Chair

APPROVED BY AGENCY: January 26, 2012

FILED WITH LRC: February 14, 2012 at 3 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Tuesday, March 26, 2012 at 10:00 a.m. Eastern Time at 100 Airport Road, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by 5 workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until close of business on April 2, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Ms. Diana L. Barber, General Counsel, Kentucky Higher Education Assistance Authority, P.O. Box 798, Frankfort, Kentucky 40602-0798, phone (502) 696-7298, fax (502) 696-7293.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Rebecca Gilpatrick

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation designates and incorporates the applications to be utilized under the grant, scholarship, and work-study program administered by the Authority.

(b) The necessity of this administrative regulation: The Authority is required to promulgate administrative regulations pertaining to the administration of the Early Childhood Development Scholarship Program, KHEAA Work-study Program, Teacher Scholarship Program, College Access Program (CAP), Kentucky Tuition Grant (KTG), and Go Higher Grant Programs as well as the Robert C. Byrd Scholarship Program pursuant to KRS 164.518(3), 164.746(6), 164.748(4), 164.753(3), (6), 164.7535, 164.769(5), (6)(f), 34 C.F.R. 654.30, 654.41, and 20 U.S.C. 1070d-36, 1070d-37, 1070d-38.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation conforms to the content of the authorizing statutes by prescribing the applications to be utilized under the grant, scholarship and work-study programs administered by the Authority.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation assists with the effective administration of the statutes by prescribing and incorporating the various application forms to be used by students to apply for the financial aid programs administered by the authority.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment changes the existing regulation by specifying the latest version of the Free Application for Federal Student Aid (FAFSA) for the 2012-2013 academic year that is to be completed by applicants for participation in the student aid programs administered by the Authority.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary in order to require student recipients to complete the

most recent version of the FAFSA.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to the content of the authorizing statutes by updating one of the applications required for participation in the student aid programs administered by the Authority.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will assist in the effective administration of the state student aid programs by requiring completion of the most recent version of the FAFSA in order to participate in said programs.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: The proposed amendment to this administrative regulation will affect all those individuals who seek to apply for student financial aid through the Authority.

(4) Provide an analysis of how the entities identified in (3) above will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take in order to comply with this administrative regulation or amendment:

All potential student aid recipients will be required to complete the 2012-2013 version of the FAFSA in order to apply for financial aid through the Authority.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to the entities noted above in complying with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Those individuals who complete the latest version of the FAFSA specified herein will receive, to the extent otherwise eligible, student financial aid through the Authority.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: There is no cost to implement this administrative regulation.

(b) On a continuing basis: See 5(a) above.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding source is required in order to implement this administrative regulation since it merely updates the required version of the FAFSA.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: No increase in fees or funding will be necessary to implement the amendment to this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This administrative regulation does not establish any fees, nor does it directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering was not applied. It is not applicable to this amendment. This administrative regulation is intended to provide equal opportunity to participate, and consequently does not inherently result in disproportionate impacts on certain classes of regulated entities. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution. The regulation provides equal treatment and opportunity for all applicants and recipients.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Finance and Administration Cabinet, Kentucky Higher Education Assistance Authority.

3. Identify each state or federal statute or federal regulation

that requires or authorizes the action taken by the administrative regulation. KRS 164.518(3), 164.746(6), 164.748(4), 164.753(3), (6), 164.7535, 164.769(5), (6)(f), 34 C.F.R. §654.30, §654.41, 20 U.S.C. §1070d-36, 37, 38.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. The administrative regulation will result in no additional expenditures by or revenues to the Authority during the first full year of its effectiveness.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This regulation will not generate any revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This regulation will not generate any revenue.

(c) How much will it cost to administer this program for the first year? No costs are associated with this regulation.

(d) How much will it cost to administer this program for subsequent years? No costs are associated with this regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

#### KENTUCKY HIGHER EDUCATION ASSISTANCE AUTHORITY Division of Student and Administrative Services (Amendment)

#### 11 KAR 5:145. CAP grant award determination procedure.

RELATES TO: KRS 164.744(2), 164.753(4), 164.7535, 164.7889(3)

STATUTORY AUTHORITY: KRS 164.748(4), 164.753(4), 164.7889(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 164.748(4) requires the authority to promulgate administrative regulations pertaining to the awarding of grants, scholarships, and honorary scholarships as provided in KRS 164.740 to 164.7891. KRS 164.753(4) requires the authority to promulgate administrative regulations pertaining to grants. KRS 164.7889(3) requires the authority to promulgate an administrative regulation that increases both the maximum amount available under the grant programs, and increases the average income level for qualification for the grant programs if sufficient funds are available. This administrative regulation prescribes the award determination procedures for the CAP Grant Program.

Section 1. Each application submitted pursuant to 11 KAR 4:080 and 11 KAR 5:130 shall be reviewed for determination that all eligibility requirements established in 11 KAR 5:034 are met. To qualify for a CAP award based on financial need, the applicant's expected family contribution shall be \$4,995~~[\$5,273]~~ or less.

Section 2. CAP Grant Award. (1) Except as provided in subsection (2) of this section, the maximum CAP grant in any semester for an applicant accepted for enrollment on a full-time basis as determined by the educational institution in an eligible program shall be the lesser of:

(a) \$950; or

(b) The amount of eligibility the student has remaining within the aggregate KHEAA grant limit.

(2) The maximum CAP grant in any semester for an applicant accepted for enrollment on less than a full-time basis as determined by the educational institution in an eligible program shall be:

(a) The amount specified in subsection (1)(a) of this section:

1. Divided by twelve (12); and

2. Multiplied by the number of credit hours in which the appli-

cant is accepted for enrollment; and

(b) Not in excess of the maximum specified in subsection (1)(b) of this section.

(3) For any academic year, a student shall not receive more than \$1,900 for an aggregate CAP grant award.

Section 3. (1) A KHEAA grant awarded to an incarcerated individual shall be considered an overaward to the extent that the KHEAA grant, in combination with financial assistance received from other sources, exceeds the student's actual cost for tuition, fees, and books.

(2) A KHEAA grant award shall not be made for a summer academic term.

Section 4. (1) A KHEAA grant award shall not exceed the applicant's cost of education less expected family contribution and other anticipated student financial assistance.

(2) The authority shall reduce or revoke a KHEAA grant upon receipt of documentation that financial assistance from other sources in combination with the KHEAA grant exceeds the determination of financial need for that student.

(3) The KHEAA Grant Program Officer (KGPO) and the grant recipient shall make every reasonable effort to provide the authority the information needed to prevent an overaward.

(4) If the applicant's expected family contribution, disbursed KHEAA grant amount, plus other student financial assistance exceeds his need by more than \$300, any amount over \$300 shall be considered to be an overaward. If an overaward occurs, this amount shall be returned to the authority immediately.

Section 5. (1) If the authority receives revised data that, upon recomputation, results in the student becoming ineligible for a KHEAA grant that has already been offered, but not disbursed, the grant shall be revoked.

(2) If the student is determined to be ineligible after the KHEAA grant has been disbursed, the student shall repay to the authority the entire amount of the KHEAA grant.

Section 6. If the educational institution receives revised data that, upon recomputation, necessitates reduction of the KHEAA grant, and:

(1) If the grant has not yet been disbursed for the fall academic term, the reduction shall be made to both the fall and spring disbursements, and the educational institution shall notify the student of the reduction;

(2) If the grant for the fall academic term has already been disbursed and the student enrolls for the spring academic term, the reduction shall be made to the spring disbursement, and the educational institution shall notify the student of the reduction;

(3) If the grant for the fall academic term has already been disbursed and the student does not enroll for the spring academic term, the educational institution shall notify the student of the fall overaward and the student shall repay the overaward to the authority; or

(4) If both the fall and spring disbursements have been made, the educational institution shall notify the student of the overaward and the student shall repay the overaward to the authority.

Section 7. (1) Students requested by the institution to provide verification of data for any financial assistance program shall provide the verification before receiving disbursement of a KHEAA grant.

(2) Any student who is awarded a KHEAA grant who fails to provide verification requested by the participating institution shall be deemed ineligible, and the grant shall be revoked.

KRISTI P. NELSON, Chair

APPROVED BY AGENCY: January 26, 2012

FILED WITH LRC: February 14, 2012 at 3 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on Tuesday, March 27, 2012 at 10:00 a.m. Eastern Time at 100 Airport Road, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by 5

workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until close of business on April 2, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Ms. Diana L. Barber, General Counsel, Kentucky Higher Education Assistance Authority, P.O. Box 798, Frankfort, Kentucky 40602-0798, phone (502) 696-7298, fax (502) 696-7293.

#### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Rebecca Gilpatrick

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation prescribes the award determination procedures for the CAP Grant Program.

(b) The necessity of this administrative regulation: KRS 164.748(4) requires the authority to promulgate administrative regulations pertaining to the awarding of grants, scholarships, and honorary scholarships as provided in KRS 164.740 to 164.785. KRS 164.753(4) requires the authority to promulgate administrative regulations pertaining to grants.

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative regulation prescribes the award determination procedures for the CAP Grant Program. The amendment conforms to the content of the authorizing statutes by establishing the ceiling amount of expected family contribution for CAP grant eligibility for the upcoming academic year.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation ensures that students applying for a CAP grant meet the required financial need criteria and those students receive the maximum CAP grant allowed for any academic period. The amendment to this administrative regulation merely decreases the maximum expected family contribution level necessary to demonstrate financial need to be consistent with federal guidelines for the PELL grant program.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment to this administrative regulation merely decreases the maximum expected family contribution level necessary to demonstrate financial need for eligibility for the CAP grant program.

(b) The necessity of the amendment to this administrative regulation: The amendment conforms to the content of the authorizing statutes by establishing the ceiling amount of expected family contribution for participation in the CAP grant program.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment conforms to the content of the authorizing statutes by establishing the ceiling amount of expected family contribution under the CAP grant program.

(d) How the amendment will assist in the effective administration of the statutes: This amendment merely establishes the maximum expected family contribution level for eligibility for participation in the CAP grant program.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Students at a total of sixty-two (62) Kentucky postsecondary institutions are eligible to receive CAP grant funds. In the academic year ending June 31, 2011, there were 297,400 applicants for grant awards. A total of 37,836 students received KHEAA grant awards during that period.

(4) Provide an analysis of how the entities identified in (3) above will be impacted by either the implementation of this admin-

istrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take in order to comply with this administrative regulation or amendment: No actions will be required from either the student recipients or participating postsecondary institutions, as this amendment merely changes the expected family contribution for eligibility for the CAP grant program.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no cost to either the student recipients or participating postsecondary institutions.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): No specific compliance is required under this regulation by either the student recipients or participating postsecondary institutions.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: The amendment to this administrative regulation establishes the maximum expected family contribution level necessary to demonstrate financial need, making grants potentially less available to students. However, the amount of the grant, the funds available for grants, and, in general, the overall cost of administering the program will neither increase nor decrease.

(b) On a continuing basis: See 5(a) above.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation? Grants for students under the College Access Program and the Kentucky Tuition Grant Program are funded from net lottery revenues transferred to the authority for grant and scholarship programs while administrative costs are borne by the authority through receipts of the authority.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: The administrative regulation does not establish any fees, nor does this administrative regulation directly or indirectly increase any fees.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The administrative regulation does not establish any fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering was not applied. It is not applicable to this amendment. This administrative regulation is intended to provide equal opportunity to participate, and consequently does not inherently result in disproportionate impacts on certain classes of regulated entities. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution. The regulation provides equal treatment and opportunity for all applicants and recipients.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation will impact the Finance and Administration Cabinet, Kentucky Higher Education Assistance Authority.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 164.748(4), 164.753(4), 164.7889(3).

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. The administrative regulation will result in no additional expenditures by or revenues to the Authority during the first full year of its effectiveness.

a. How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This regulation

will not generate any revenue.

b. How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This regulation will not generate any revenue.

c. How much will it cost to administer this program for the first year? No costs are associated with this regulation.

d. How much will it cost to administer this program for subsequent years? No costs are associated with this regulation.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

#### FINANCE AND ADMINISTRATION CABINET Department of Revenue (Amendment)

#### 103 KAR 3:010. General Administrative Forms Manual.

RELATES TO: KRS 42.470, 61.870-61.884, 64.012, 131.010(9), 131.020, 131.030, 131.041, 131.051, 131.061, 131.081, 131.081(2), (9), (15), 131.110, 131.130, 131.130(3), (10), (11), 131.150, 131.155, 131.170, 131.181, 131.183, 131.190, 131.190(1), 131.240, 131.340, 131.500, 131.500(1), (2), (3), (9), (10), 131.510(1), (2)(a), (2)(b), 131.530, 131.540, 132.020, 132.130-132.160, 132.180, 132.190, 132.200, 132.220, 132.227, 132.230, 132.260, 132.270, 132.290, 132.310, 132.320, 132.450, 132.487, 132.510, 132.820, 132.990, 133.045, 133.110, 133.120, 133.130, 133.240, 134.020, 134.390, 134.420, 134.430, 134.440, 134.500, 134.580(4), 134.590, 134.800, 134.805, 134.810, 134.815, 134.820, 134.825, 134.830, 135.010, 135.020, 135.050, 136.020, 136.050, 136.070, 136.071, 136.0704, 136.090, 136.100, 136.115-136.180, 136.1873, 136.310, 136.320, 136.330, 136.335, 136.377, 136.392, 136.545, 136.575, 136.600-136.660, 137.130, 137.160, 138.448, 138.885, 139.185, 139.200, 139.240, 139.330, 139.390, 139.550, 141.0401(5), 141.0401(6), 141.050(4), 141.210, 141.235, 141.340(2), 142.010, 142.050, 142.321, 142.327, 142.357, 143.030(1), 143.037, 143.040, 143.050, 143.060(1), 143.085, 143.990, 143A.010, 143A.030, 143A.035, 143A.037, 143A.080, 143A.090, 143A.100(1), 143A.991, 154.22-050, 154.22-060, 154.22-070, 154.23-010, 154.24-110, 154.24-130, 154.26-090, 154.28-090, 154.34-010, 155.170, 160.613-160.617, 160.6154(3), 205.745, 209.160, 224.01-310(1), 234.321, 234.370, 243.710, 243.720, 243.730, 243.850, 243.884, 248.756(2), 299.530, 304.4-030, 304.11-050, 304.49-220, 351.175, 395.470(3), 413.120

STATUTORY AUTHORITY: KRS 131.130(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 131.130(3) authorizes the Department of Revenue to prescribe forms necessary for the administration of any revenue law by the promulgation of an administrative regulation incorporating the forms by reference. This administrative regulation incorporates by reference the required Revenue Forms used in the general administration of taxes by the Department of Revenue and not limited to a specific tax.

Section 1. Administrative - Required Forms. (1) Revenue Form 10A001, "Request to Inspect Public Records", shall be completed by the public to request access to public records specified on the form.

(2) Revenue Form 10A020, "Waiver of Appeal Rights", shall be completed by a taxpayer to reopen an audit that has become final if the taxpayer has failed to timely file a protest with the Department of Revenue.

(3) Revenue Form 10A070, "Authorization Agreement for Electronic Funds Transfer", shall be completed by taxpayers to authorize the Department of Revenue to move funds by electronic means from taxpayer accounts to the Department of Revenue as payment for taxes.

(4) Revenue Form 10A071, "EFT Bank Change", shall be



completed by taxpayers who are registered as EFT ACH Debit filers to notify the department of a bank account change.

(5) Revenue Form 10A100, "Kentucky Tax Registration Application", shall:

(a) Be used by taxpayers to voluntarily apply for tax registration of the following accounts:

1. Employer's Kentucky withholding tax;
2. Corporation income tax;
3. Sales and use tax;
4. Consumer's use tax;
5. Motor vehicle tire fee;
6. Transient room tax;
7. Limited liability entity tax;
8. Utility Gross Receipts License tax;
9. Telecommunications tax;
10. Coal severance and processing tax; or
11. Coal Seller/Purchaser Certificate ID Number; and

(b). Provide the department the necessary information to properly register the taxpayer for all applicable tax accounts, including the legal business name, federal employer identification number (FEIN), address and other demographic information for the business, and each responsible party's information including full name, social security number and residential address.

(6) Revenue Form 10A100-CS, "Kentucky Tax Registration Application", shall:

(a) Be sent by the department's Division of Registration and Data Integrity to non-compliant taxpayers for the taxpayers to apply for tax registration of the following accounts:

1. Employer's Kentucky withholding tax;
2. Corporation income tax;
3. Sales and use tax;
4. Consumer's use tax;
5. Motor vehicle tire fee;
6. Transient room tax;
7. Limited liability entity tax;
8. Utility Gross Receipts License tax;
9. Telecommunications tax;
10. Coal severance and processing tax; or
11. Coal Seller/Purchaser Certificate ID Number; and

(b) Provide the department the necessary information to properly register the taxpayer for all applicable tax accounts, including the legal business name, federal employer identification number (FEIN), address and other demographic information for the business, and each responsible party's information including full name, social security number and residential address.

(7) Revenue Form 10A100-I, "Instructions, Kentucky Tax Registration Application", shall provide instructions for the proper completion of Revenue Form 10A100, "Kentucky Tax Registration Application", which is used to apply for employer's Kentucky withholding tax, corporation income tax, sales and use tax, consumer's use tax, motor vehicle tire fee, transient room tax, limited liability entity tax, utility gross receipts license tax, telecommunications tax, coal severance and processing tax, or the coal seller/purchaser certificate ID number.

(8) Revenue Form 10A100-CS(I), "Instructions, Kentucky Tax Registration Application", shall provide instructions for the proper completion of Revenue Form 10A100-CS, "Kentucky Tax Registration Application", which is used to apply for employer's Kentucky withholding tax, corporation income tax, sales and use tax, consumer's use tax, motor vehicle tire fee, transient room tax, limited liability entity tax, utility gross receipts license tax, telecommunications tax, coal severance and processing tax, or the coal seller/purchaser certificate ID number.

(9) Revenue Form 10A104, "Update or Cancellation of Kentucky Tax Account(s)", shall:

(a) Be used by the taxpayer to update business information or to cancel accounts for the following taxes:

1. Employer's Kentucky withholding tax;
2. Corporation income tax;
3. Sales and use tax;
4. Consumer's use tax;
5. Motor vehicle tire fee;
6. Transient room tax;
7. Limited liability entity tax;

8. Utility Gross Receipts License tax;

9. Telecommunications tax; or

10. Coal severance and processing tax. The update form provides the department the necessary information to properly update and maintain demographic information of the business for all applicable tax accounts, including the legal business name, federal employer identification number (FEIN), address and other demographic information for the business, and each responsible party's information including full name, social security number and residential address.

(10) Revenue Form 10A104-I, "Instructions Update or Cancellation of Kentucky Tax Account(s)", shall provide instructions for the proper completion of Revenue Form 10A104.

(11) Revenue Form 10A106, "Appointment of Taxpayer Administrator and Authorized Users for Kentucky Online Tax", shall be used to establish a taxpayer administrator and authorized users for use of the Kentucky Online Tax System.

(12) Revenue Form 10A2000, "Request for Return/Information", shall be used to request information from the disclosure office as an inter-agency request or as a request from an outside agency.

(13) [(42)] Revenue Form 10F060, "Electronic Funds Transfer Program: ACH Credit Guide", shall provide information on the specific requirements of the Department of Revenue's Credit Method of tax remittance for the Electronic Funds Transfer Program.

(14) [(43)] Revenue Form 10F061, "Electronic Funds Transfer Program: Debit Guide", shall provide instructions to the taxpayer on how to authorize the Department of Revenue to electronically debit a taxpayer controlled account in an Automated Clearing House participating financial institution for the amount which the taxpayer reports to the state's data collection service.

(15) [(44)] Revenue Form 10F100, "Your Rights As a Kentucky Taxpayer", shall provide the public with information describing taxpayer rights provided by KRS Chapters 131, 133 and 134.

(16) [(45)] Revenue Form 12A012, "Receipt of Seized Property", shall be presented for execution to the taxpayer receiving returned property from the Kentucky Department of Revenue that was previously seized for failure to pay taxes in order to establish documentation that the property was returned to the taxpayer.

(17) [(46)] Revenue Form 12A018, "Kentucky Department of Revenue Offer in Settlement Application", shall be presented for execution to persons requesting to settle their tax liabilities for less than the delinquent tax liability based upon doubt as to collectability or doubt as to liability.

(18) [(47)] Revenue Form 12A104, "Notice of Seizure", shall be presented to the owner or officer of the entity from which the Kentucky Department of Revenue is seizing property for failure to pay taxes owed to the Commonwealth.

(19) [(48)] Revenue Form 12A107, "Notice of Sale", shall be presented to the owner of seized property, published in the newspaper with the highest circulation for that area, and posted at the courthouse, at three (3) other public places within the county, and where the seizure was made, for the purpose of notifying the property owner, and advertising to the public the sale of the seized property.

(20) [(49)] Revenue Form 12A109-1, "Release of Bank Levy", shall be presented to the bank on which the levy was served for the purpose of releasing the seized property.

(21) [(20)] Revenue Form 12A109-2, "Release of Levy", shall be presented to the party on which the levy was served for the purpose of releasing the seized property.

(22) [(24)] Revenue Form 12A109-3, "Release of Levy", shall be presented to the party on which the levy was served for the purpose of releasing the seized property related to child support.

(23) [(22)] Revenue Form 12A110, "Release of Levy on Wages, Salary, and Other Income", shall be presented to an employer for the purpose of releasing a wage levy.

(24) [(23)] Revenue Form 12A110-1, "Release of Levy on Wages, Salary, and Other Income", shall be presented to an employer for the purpose of releasing a wage levy related to child support.

(25) [(24)] Revenue Form 12A500, "Certificate of Partial Discharge of Tax Lien", shall be presented to anyone who makes a proper application for a lien release on a specific piece of property if the Department of Revenue's lien attaches no equity or if the



equity that the lien encumbers is paid to the Department of Revenue.

(26) [(25)] Revenue Form 12A501, "Certificate of Subordination of Kentucky Finance and Administration Tax Lien", shall be presented to anyone who makes proper application requesting that the Department of Revenue subordinate its lien position to a new mortgage and demonstrates that the subordination is in the Commonwealth's best interest.

(27) [(26)] Revenue Form 12A502, "Application for Certificate of Subordination of Kentucky Tax Lien", shall be presented to anyone who requests to have the Department of Revenue subordinate its lien position to a new mortgage.

(28) [(27)] Revenue Form 12A503, "Application for Specific Lien Release", shall be presented to anyone who requests that the Department of Revenue release its tax lien so that a specific piece of property can be sold.

(29) [(28)] Revenue Form 12A504, "Personal Assessment of Corporate Officer or LLC Manager", shall be presented to a corporate officer for the purpose of establishing responsibility of payment of trust taxes owed to the Commonwealth.

(30) [(29)] Revenue Form 12A505, "Waiver Extending Statutory Period of Assessment of Corporate Officer or LLC Manager", shall be presented to the corporate officers or LLC managers for the purpose of entering into a payment agreement to pay the trust taxes owed to the Commonwealth, and the terms of the payment agreement shall extend past the statutory period for assessing responsible corporate officers or LLC managers.

(31) [(30)] Revenue Form 12A506, "Waiver Extending Statutory Period for Collection", shall be presented to the taxpayer for the purpose of extending the period in which the liability can be collected.

(32) [(31)] Revenue Form 12A507, "Table for Figuring the Amount Exempt From Levy on Wages, Salary, and Other Income", shall be presented to employers with a wage levy on an employee for the purpose of calculating the dollar amount of wages due to the employee.

(33) [(32)] Revenue Form 12A508-1, "Notice of Tax Due", shall be presented for the purpose of assessing an officer of a corporation who is personally liable for trust taxes owed to the Commonwealth.

(34) [(33)] Revenue Form 12A508-2, "Notice of Tax Due", shall be presented for the purpose of assessing an officer of a corporation who is personally liable for Gasoline and Special Fuels taxes owed to the Commonwealth.

(35) [(34)] Revenue Form 12A508-3, "Notice of Tax Due", shall be presented for the purpose of assessing a manager or partner of a limited liability company who is personally liable for trust taxes owed to the Commonwealth.

(36) [(35)] Revenue Form 12A508-4, "Notice of Tax Due", shall be presented for the purpose of assessing a manager or partner of a limited liability company who is personally liable for Gasoline and Special Fuels taxes owed to the Commonwealth.

(37) [(36)] Revenue Form 12A514, "Questionnaire for Persons Relative to a Notice of Assessment", shall be presented to an officer of a corporation for the purpose of resolving responsibility of the trust taxes owed to the Commonwealth.

(38) [(37)] Revenue Form 12A517, "Notice of Lien", shall be presented to the county clerk for appropriate recording and to the taxpayer against whom the lien is filed for the purpose of filing and recording the tax lien in the county clerk's office and giving notification to the taxpayer.

(39) [(38)] Revenue Form 12A517-1, "Notice of Child Support Lien", shall be presented to the county clerk for appropriate recording and to the taxpayer against whom the lien is filed for the purpose of filing and recording the tax lien in the county clerk's office and giving notification to the taxpayer.

(40) [(39)] Revenue Form 12A518, "Certificate of Release of Lien", shall be presented to the county clerk and to the taxpayer against whom the tax lien is filed for the purpose of releasing the lien and notifying the taxpayer of the release.

(41) [(40)] Revenue Form 12A518-1, "Certificate of Release of Child Support Lien", shall be presented to the county clerk and to the taxpayer against whom the child support lien is filed for the purpose of releasing the lien and notifying the obligor of the re-

lease.

(42) [(41)] Revenue Form 12A638, "Statement of Financial Condition for Individuals", shall be presented to individuals requesting to make payments or settle their tax liability to the Commonwealth for the purpose of establishing the financial ability to make payments or settle.

(43) [(42)] Revenue Form 12A638(I), "Instructions for Completing Statement of Financial Condition for Individuals", shall provide instructions for completing Revenue Form 12A638.

(44) [(43)] Revenue Form 12A639, "Statement of Financial Condition for Businesses", shall be presented to business owners requesting to make payments or settle a tax liability to the Commonwealth for the purpose of establishing the financial ability to make payments or settle.

(45) [(44)] Revenue Form 12A639(I), "Instructions for Completing Statement of Financial Condition for Businesses", shall provide instructions for completing Revenue Form 12A639.

(46) [(45)] Revenue Form 12B019, "Notice of Levy on Wages, Salary, and Other Income", shall be presented to employers for the purpose of levying wages from an employee who owes taxes to the Kentucky Department of Revenue.

(47) [(46)] Revenue Form 12B019-1, "Notice of Levy on Wages, Salary, and Other Income", shall be presented to employers for the purpose of levying wages from an employee who owes child support.

(48) [(47)] Revenue Form 12B020, "Notice of Levy", shall be presented to banks for the purpose of levying bank accounts of taxpayers who owe taxes to the Kentucky Department of Revenue.

(49) [(48)] Revenue Form 12B020-2, "Notice of Levy", shall be presented to banks for the purpose of levying bank accounts of obligors who owe child support.

(50) [(49)] Revenue Form 21A020, "Request for Copy of Tax Refund Check", shall be completed and submitted to the Department of Revenue in order to obtain a copy of a cashed refund check.

(51) [(50)] Revenue Form 30A005, "Temporary Vendor's Sales Tax Permit", shall be presented to temporary and transient vendors who do not have a permanent place of business for the purpose of remitting tax on a non-permit basis, as required by 103 KAR 25:060.

(52) [(51)] Revenue Form 30A006, "Temporary Vendor Sales and Use Tax Return/Processing Document", shall be used to register temporary vendors who do business in the Commonwealth of Kentucky.

(53) [(52)] Revenue Form 30A872, "Record of Money Receipt Issued", shall be used by Department of Revenue Field personnel to provide written documentation of acceptance of cash payments.

(54) [(53)] Revenue Form 31A001, "Vendor Contact Authorization", shall be used by a Department of Revenue representative to obtain permission from a taxpayer to contact his or her vendors concerning the issuance of exemption certificates.

(55) [(54)] Revenue Form 31A004, "Auditor Record of Money Receipt Issued", shall be used by the auditor to acknowledge payment from taxpayers of taxes determined to be tentatively due at the time of an audit.

(56) [(55)] Revenue Form 31A011-ASH, "Taxpayer Data Questionnaire", shall be used by auditors at the Ashland Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

(57) [(56)] Revenue Form 31A011-BG, "Taxpayer Data Questionnaire", shall be used by auditors at the Bowling Green Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

(58) [(57)] Revenue Form 31A011-CKY, "Taxpayer Data Questionnaire", shall be used by auditors at the Central Kentucky Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

(59) [(58)] Revenue Form 31A011-COR, "Taxpayer Data Questionnaire", shall be used by auditors at the Corbin Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

(60) [(59)] Revenue Form 31A011-HOP, "Taxpayer Data Ques-

tionnaire", shall be used by auditors at the Hopkinsville Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

~~(61)~~~~(60)~~ Revenue Form 31A011-LOU, "Taxpayer Data Questionnaire", shall be used by auditors at the Louisville Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

~~(62)~~~~(61)~~ Revenue Form 31A011-NKY, "Taxpayer Data Questionnaire", shall be used by auditors at the Northern Kentucky Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

~~(63)~~~~(62)~~ Revenue Form 31A011-OWEN, "Taxpayer Data Questionnaire", shall be used by auditors at the Owensboro Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

~~(64)~~~~(63)~~ Revenue Form 31A011-PAD, "Taxpayer Data Questionnaire", shall be used by auditors at the Paducah Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

~~(65)~~~~(64)~~ Revenue Form 31A011-PIKE, "Taxpayer Data Questionnaire", shall be used by auditors at the Pikeville Taxpayer Service Center to gather information regarding a taxpayer's capability to provide electronic data as requested under KRS 131.240.

~~(66)~~~~(65)~~ Revenue Form 31A012, "Interstate Sales/Income Tax Questionnaire", shall be used to establish possible taxing jurisdiction for sales and use tax and income tax for the states of Ohio and Indiana.

~~(67)~~~~(66)~~ Revenue Form 31A014, "SEATA - Southeastern Association of Tax Administrators Nexus Questionnaire", shall be used to establish possible taxing jurisdiction for sales and use tax and income tax for the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, Virginia and West Virginia.

~~(68)~~~~(67)~~ Revenue Form 31A020, "Office of Field Operations Request for Copy of Tax Return(s)", shall be used by Department of Revenue representatives to obtain permission from a taxpayer to release tax returns.

~~(69)~~~~(68)~~ Revenue Form 31A050, "Electronic Transmittal Authorization", shall be used by auditors to seek permission from a taxpayer to transmit audit results electronically.

~~(70)~~~~(69)~~ Revenue Form 31A115, "Agreement Fixing Test Periods", shall be used by auditors to establish certain test periods when conducting an audit.

~~(71)~~~~(70)~~ Revenue Form 31A149, "Agreement Fixing Period of Limitation Upon Assessment of Sales, Use or Severance Tax", shall be completed by a taxpayer and a representative of the Kentucky Department of Revenue whereby both parties consent and agree that certain sales, use or severance tax deficiencies or overpayments for specific periods may be assessed or refunded beyond the normal four (4) year statute of limitations.

~~(72)~~~~(71)~~ Revenue Form 31A150, "Agreement Fixing Period of Limitation Upon Assessment of Utility Gross Receipts License Tax", shall be used by auditors to establish taxable periods to be held open for audit and date of assessment.

~~(73)~~~~(72)~~ Revenue Form 31A685, "Authorization to Examine Bank Records", shall be used by the Department of Revenue to obtain permission from a taxpayer to examine records in connection with transactions at the taxpayer's bank.

~~(74)~~~~(73)~~ Revenue Form 31A725, "Statute of Limitations Agreement", shall be completed by a taxpayer and a representative of the Kentucky Department of Revenue whereby both parties consent and agree that certain income tax deficiencies or overpayments for specific periods may be assessed or refunded beyond the normal four (4) year statute of limitations.

~~(75)~~~~(74)~~ Revenue Form 31F006, "Southeastern States Information Exchange Program", shall be used to provide information to taxpayers concerning the information exchange program between the states of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, Virginia, and West Virginia.

~~(76)~~~~(75)~~ Revenue Form 31F010, "Kentucky's Computer Assisted Audit Program", shall be the brochure used as instructions

for taxpayers who submit tax records in an electronic format.

Section 2. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) Revenue Form 10A001, "Request to Inspect Public Records", February 1997;

(b) Revenue Form 10A020, "Waiver of Appeal Rights", January 2001;

(c) Revenue Form 10A070, "Authorization Agreement for Electronic Funds Transfer", January 2008;

(d) Revenue Form 10A071, "EFT Bank Change", June[.] 2009;

(e) Revenue Form 10A100, "Kentucky Tax Registration Application", October 2011; ~~[July 2010];~~

(f) Revenue Form 10A100-CS, "Kentucky Tax Registration Application", October 2011; ~~[July 2010];~~

(g) Revenue Form 10A100-I, "Instructions Kentucky Tax Registration Application", June 2011; ~~[July 2010];~~

(h) Revenue Form 10A100-CS(I), "Instructions Kentucky Tax Registration Application", June 2011; ~~[July 2010];~~

(i) Revenue Form 10A104, "Update or Cancellation of Kentucky Tax Account(s)", June 2011; ~~[July 2010];~~

(j) Revenue Form 10A104-I, "Instructions Update or Cancellation of Kentucky Tax Account(s)", June 2011; ~~[July 2010];~~

(k) Revenue Form 10A106, "Appointment of Taxpayer Administrator and Authorized Users for Kentucky Online Tax", May 2010;

(l) Revenue Form 10A2000, "Request for Return/Information", October 2011;

~~(m)~~~~(t)~~ Revenue Form 10F060, "Electronic Funds Transfer Program: ACH Credit Guide", April 2006;

~~(n)~~~~(m)~~ Revenue Form 10F061, "Electronic Funds Transfer Program: Debit Guide", December 2008;

~~(o)~~~~(n)~~ Revenue Form 10F100, "Your Rights as a Kentucky Taxpayer", October 2010;

~~(p)~~~~(o)~~ Revenue Form 12A012, "Receipt of Seized Property", November 2006;

~~(q)~~~~(p)~~ Revenue Form 12A018, "Kentucky Department of Revenue Offer in Settlement Application", June 2011; ~~[March 2009];~~

~~(r)~~~~(q)~~ Revenue Form 12A104, "Notice of Seizure", October 1982;

~~(s)~~~~(r)~~ Revenue Form 12A107, "Notice of Sale", January 2000;

~~(t)~~~~(s)~~ Revenue Form 12A109-1, "Release of Bank Levy", September 2004;

~~(u)~~~~(t)~~ Revenue Form 12A109-2, "Release of Levy", January 2000;

~~(v)~~~~(u)~~ Revenue Form 12A109-3, "Release of Levy", January 2008;

~~(w)~~~~(v)~~ Revenue Form 12A110, "Release of Levy on Wages, Salary, and Other Income", September 2004;

~~(x)~~~~(w)~~ Revenue Form 12A110-1, "Release of Levy on Wages, Salary, and Other Income", January 2008;

~~(y)~~~~(x)~~ Revenue Form 12A500, "Certificate of Partial Discharge of Tax Lien", June 2006;

~~(z)~~~~(y)~~ Revenue Form 12A501, "Certificate of Subordination of Kentucky Finance and Administration Tax Lien", June 2006;

~~(aa)~~~~(z)~~ Revenue Form 12A502, "Application for Certificate of Subordination of Kentucky Tax Lien", October 2006;

~~(bb)~~~~(aa)~~ Revenue Form 12A503, "Application for Specific Lien Release", October 2006;

~~(cc)~~~~(bb)~~ Revenue Form 12A504, "Personal Assessment of Corporate Officer or LLC Manager", June 2003;

~~(dd)~~~~(cc)~~ Revenue Form 12A505, "Waiver Extending Statutory Period of Assessment of Corporate Officer or LLC Manager", June 2003;

~~(ee)~~~~(dd)~~ Revenue Form 12A506, "Waiver Extending Statutory Period for Collection", June 2003;

~~(ff)~~~~(ee)~~ Revenue Form 12A507, "Table for Figuring the Amount Exempt from Levy on Wages, Salary, and Other Income", November 2006;

~~(gg)~~~~(ff)~~ Revenue Form 12A508-1, "Notice of Tax Due", January 2008;

~~(hh)~~~~(gg)~~ Revenue Form 12A508-2, "Notice of Tax Due", January 2008;

~~(ii)~~~~(hh)~~ Revenue Form 12A508-3, "Notice of Tax Due", November 2008;

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(iii)(iii) Revenue Form 12A508-4, "Notice of Tax Due", November 2008;  
(kk)(jjj) Revenue Form 12A514, "Questionnaire for Persons Relative to a Notice of Assessment", August, 1996;  
(ll)(kkk) Revenue Form 12A517, "Notice of Lien", November 2011; [November 2008;]  
(mm)(lll) Revenue Form 12A517-1, "Notice of Child Support Lien", November 2008;  
(nn)(mmm) Revenue Form 12A518, "Certificate of Release of Lien", November 2008;  
(oo)(nnn) Revenue Form 12A518-1, "Certificate of Release of Child Support Lien", January 2008;  
(pp)(ooo) Revenue Form 12A638, "Statement of Financial Condition for Individuals", July 2004;  
(qq)(ppp) Revenue Form 12A639, "Statement of Financial Condition for Businesses", August 2004;  
(rr)(qqq) Revenue Form 12A639(I), "Instructions for Completing Statement of Financial Condition for Businesses", August 2004;  
(ss)(rrr) Revenue Form 12B019, "Notice of Levy on Wages, Salary, and Other Income", September 2004;  
(tt)(sss) Revenue Form 12B019-1, "Notice of Levy on Wages, Salary, and Other Income", September 2011; [January 2008;]  
(uu)(ttt) Revenue Form 12B020, "Notice of Levy", September 2004;  
(vv)(uuu) Revenue Form 12B020-2, "Notice of Levy", January 2008;  
(ww)(vvv) Revenue Form 21A020, "Request for Copy of Tax Refund Check", October 2006;  
(xx)(www) Revenue Form 30A005, "Temporary Vendor's Sales Tax Permit", September 1998;  
(yy)(xxx) Revenue Form 30A006, "Temporary Vendor Sales and Use Tax Return/Processing Document", December 2006;  
(zz)(yyy) Revenue Form 30A872, "Record of Money Receipt Issued", February 2008;  
(aaa)(zzz) Revenue Form 31A001, "Vendor Contact Authorization", July 2006;  
(bbb)(aaa) Revenue Form 31A004, "Auditor Record of Money Receipt Issued", July 2006;  
(ccc)(bbb) Revenue Form 31A011-ASH, "Taxpayer Data Questionnaire", March 2009;  
(ddd)(ccc) Revenue Form 31A011-BG, "Taxpayer Data Questionnaire", March 2009;  
(eee)(ddd) Revenue Form 31A011-CKY, "Taxpayer Data Questionnaire", March 2009;  
(fff)(eee) Revenue Form 31A011-COR, "Taxpayer Data Questionnaire", March 2009;  
(ggg)(fff) Revenue Form 31A011-HOP, "Taxpayer Data Questionnaire", March 2009;  
(hhh)(ggg) Revenue Form 31A011-LOU, "Taxpayer Data Questionnaire", March 2009;  
(iii)(hhh) Revenue Form 31A011-NKY, "Taxpayer Data Questionnaire", March 2009;  
(jjj)(iii) Revenue Form 31A011-OWEN, "Taxpayer Data Questionnaire", March 2009;  
(kkk)(jjj) Revenue Form 31A011-PAD, "Taxpayer Data Questionnaire", March 2009;  
(lll)(kkk) Revenue Form 31A011-PIKE, "Taxpayer Data Questionnaire", March 2009;  
(mmm)(lll) Revenue Form 31A012, "Interstate Sales/Income Tax Questionnaire", July 2006;  
(nnn)(mmm) Revenue Form 31A014, "SEATA - Southeastern Association of Tax Administrators Nexus Questionnaire", July 2006;  
(ooo)(nnn) Revenue Form 31A020, "Office of Field Operations Request for Copy of Tax Return(s)", July 2006;  
(ppp)(ooo) Revenue Form 31A050, "Electronic Transmittal Authorization", March 2011; [April 2008;]  
(qqq)(ppp) Revenue Form 31A115, "Agreement Fixing Test Periods", April 2008;  
(rrr)(qqq) Revenue Form 31A149, "Agreement Fixing Period of Limitation Upon Assessment of Sales, Use or Severance Tax", July 2006;  
(sss)(rrr) Revenue Form 31A150, "Agreement Fixing Period of Limitation Upon Assessment of Utility Gross Receipts License

Tax", May 2008;

(ttt)(sss) Revenue Form 31A685, "Authorization to Examine Bank Records", May 1985;

(uuu)(ttt) Revenue Form 31A725, "Statute of Limitations Agreement", July 2006;

(vvv)(uuu) Revenue Form 31F006, "Southeastern States Information Exchange Program", February 2005; and

(www)(vvv) Revenue Form 31F010, "Kentucky's Computer Assisted Audit Program", May 2010.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Revenue, 501 High Street, Frankfort, Kentucky 40620, or at any Kentucky Department of Revenue Taxpayer Service Center, Monday through Friday, 8 a.m. to 5 p.m.

THOMAS B. MILLER, Commissioner

APPROVED BY AGENCY: February 7, 2012

FILED WITH LRC: February 8, 2012 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD A public hearing on this administrative regulation shall be held on March 22, 2012, from 10:00 a.m.-12:00 p.m., in Room 386, Capitol Annex Building, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. This hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until April 2, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: DeVon Hankins, Policy Advisor, Office of General Counsel, Finance and Administration Cabinet, 392 Capitol Annex, Frankfort, Kentucky 40601, (502) 564-6660 (telephone), (502) 564-9875 (fax).

### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: DeVon Hankins

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 131.130(3) authorizes the Department of Revenue to prescribe forms necessary for the administration of any revenue law by the promulgation of an administrative regulation incorporating the forms by reference. This administrative regulation incorporates by reference the required revenue forms used in the general administration of taxes by the Department of Revenue and not limited to a specific tax.

(b) The necessity of this administrative regulation: This administrative regulation is necessary in order for the Department of Revenue to meet the requirements of KRS Chapter 13A.110 which requires that forms required to be submitted by a regulated entity shall be included in an administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 131.130(3) authorizes the Department of Revenue to prescribe forms necessary for the administration of any revenue law by the promulgation of an administrative regulation incorporating the forms by reference. This administrative regulation incorporates by reference the required revenue forms used in the general administration of taxes by the Department of Revenue and not limited to a specific tax.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation incorporates by reference the required revenue forms used in the general administration of taxes by the Department of Revenue and not limited to a specific tax.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment corrects the existing regulation to add new or update existing Department of Revenue forms.

(b) The necessity of the amendment to this administrative regulation: KRS 131.130(3) authorizes the Department of Revenue to prescribe forms necessary for the administration of any revenue

law by the promulgation of an administrative regulation incorporating the forms by reference. Any addition of new forms or a change to existing forms must result in an amendment of the associated regulation to keep it current.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 131.130(3) authorizes the Department of Revenue to prescribe tax forms necessary for the administration of the tax laws.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will provide taxpayers with the current version of the forms listed herein.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All Kentucky taxpayers and their representatives will be affected by the listing of all forms administered by the Department of Revenue in an administrative regulation. Local government will be affected to the extent they utilize forms administered by the Department of Revenue. The Department of Revenue will be affected to the extent that it administers the referenced forms.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No actions will have to be taken by the taxpayers or local governments to comply with this administrative regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There would be no cost incurred by the taxpayer or local government.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Access to current forms and instructions will enable taxpayers to comply with tax laws.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: The Department of Revenue will not incur additional costs as the result of this regulation.

(b) On a continuing basis: The Department of Revenue will not incur additional costs as the result of this regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Department of Revenue agency funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This administrative regulation does not require an increase in fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish or increase any fees either directly or indirectly.

(9) TIERING: Is tiering applied? Tiering was not applied because the requirements of this regulation apply to every taxpayer.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Revenue will be impacted by this administrative regulation.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 131.130(3)

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. No additional expenditures or revenue for the Commonwealth or local government agency.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This administrative regulation will not generate revenue.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This administrative regulation will not generate revenue.

(c) How much will it cost to administer this program for the first year? No additional cost.

(d) How much will it cost to administer this program for subsequent years? No additional cost.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

#### FINANCE AND ADMINISTRATION CABINET Department of Revenue Office of Property Valuation (Amendment)

#### 103 KAR 3:030. Property and Severance Forms manual.

RELATES TO: KRS 42.470, 61.870-61.884, 131.020, 131.030, 131.041-131.081, 131.081(2), (9), (15), 131.110, 131.130, 131.130(3), 131.155, 131.181, 131.183, 131.190, 131.340, 131.500, 131.500(1), (2), (3), (10), 131.510(1), (2)(a), 131.540, 132.020, 132.130-132.180, 132.190, 132.200, 132.220-132.270, 132.290, 132.310, 132.320, 132.360, 132.450, 132.487, 132.510, 132.820, 132.825, 132.990, 133.045, 133.110, 133.120, 133.130, 133.240, 134.015, 134.119, 134.020, 134.121, 134.122, 134.128, 134.129, 134.390, 134.420, 134.430, 134.440, 134.500, 134.590, 134.800, 134.805, 134.810, 134.815, 134.820, 134.825, 134.830, 135.010, 135.020, 135.050, 136.020, 136.050, 136.115-136.180, 136.1802-136.1806, 136.1873, 136.188, 136.310, 136.320, 136.330, 136.335, 136.377, 136.545, 136.575, 136.600-136.660, 137.130, 137.160, 143.030(1), 143.037, 143.040, 143.050, 143.060(1), 143.085, 143.990, 143A.010, 143A.030, 143A.035, 143A.037, 143A.080, 143A.090, 143A.100(1), 143A.991, Ky. Const. Sec. 170

STATUTORY AUTHORITY: KRS 131.130(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 131.130(3) authorizes the Department of Revenue to prescribe forms necessary for the administration of any revenue law by the promulgation of an administrative regulation incorporating the forms by reference. This administrative regulation incorporates by reference the required Revenue Forms used in the administration of Property and Severance Taxes by the Department of Revenue.

Section 1. Property Tax - Required Forms. (1) Revenue Form 61A200(P), "Property Tax Forms and Instructions for Public Service Companies 2012[2014]", shall be the packet of files and instructions relating to Revenue Form 61A200 for use by public service companies reporting company name, location and other pertinent filing information with the Department of Revenue.

(2) Revenue Form 61A200, "Public Service Company Property Tax Return for Year Ending December 31, 2011[2010]", shall be filed by public service companies reporting company name, location, and other pertinent filing information with the Department of Revenue.

(3) Revenue Form 61A200(A), "Report of Total Unit System and Kentucky Operations", shall be filed by public service companies with the Department of Revenue, reporting the System and Kentucky original cost, total depreciation and depreciated cost for all operating and nonoperating property types as of the end of the taxable year.

(4) Revenue Form 61A200(B), "Report of Kentucky Vehicles, Car Lines and Watercraft", shall be filed by public service companies with the Department of Revenue, reporting the assessed value of all Kentucky apportioned and regular licensed motor vehicles,

railroad car lines and commercial watercraft as of the end of the year.

(5) Revenue Form 61A200(C), "Report of Total Unit Operations Balance Sheet", shall be filed by public service companies with the Department of Revenue, reporting a financial statement (balance sheet) as of December 31 for the system operating unit including Kentucky.

(6) Revenue Form 61A200(D), "Report of Total Unit Operations Income Statement", shall be filed by public service companies with the Department of Revenue, reporting a financial statement (income statement) for 12 months ending December 31 for the system operating unit including Kentucky.

(7) Revenue Form 61A200(E), "Filing Extension Application", shall be used by public service companies to request an extension of time to file the public service company tax return.

(8) Revenue Form 61A200(G), "Report of Capital Stocks", shall be filed by public service companies with the Department of Revenue, reporting an analysis of their capital stocks as of the end of the taxable year.

(9) Revenue Form 61A200(H), "Report of Funded Debt", shall be filed by public service companies with the Department of Revenue reporting an analysis of their debt as of the end of the taxable year.

(10) Revenue Form 61A200(I), "Business Summary by Taxing Jurisdiction", shall be filed by public service companies with the Department of Revenue, reporting a summary of the business activity within each taxing district.

(11) Revenue Form 61A200(J), "Property Summary by Taxing Jurisdiction, Operating and Nonoperating Property", shall be filed by public service companies with the Department of Revenue reporting a summary of the amount of operating and nonoperating property owned or leased in this state, by each county, city and special district.

(12) Revenue Form 61A200(K), "Operating Property Listing by Taxing Jurisdiction", shall be filed by public service companies with the Department of Revenue, reporting an inventory of the amount and kind of operating property, owned or leased, located in this state, for each county, city and special taxing district.

(13) Revenue Form 61A200(K2), "Nonoperating/Nonutility Property Listing by Taxing Jurisdiction", shall be filed by public service companies with the Department of Revenue reporting an inventory of the amount and kind of nonoperating property owned or leased, located in this state, for each county, city and special taxing district.

(14) Revenue Form 61A200(L), "Report of Allocation Factors, Operating and Noncarrier Property for All Interstate Companies", shall be filed by interstate, noncarrier, public service companies with the Department of Revenue, reporting property and business factors in total and for the state of Kentucky.

(15) Revenue Form 61A200(M), "Report of Property and Business Factors for Interstate Railroad and Sleeping Car Companies", shall be filed by interstate railroad and sleeping car companies with the Department of Revenue, reporting property and business factors in total and for the state of Kentucky.

(16) Revenue Form 61A200(N1), "Report of Operating Leased Real Property Located in Kentucky By Taxing District", shall be filed by public service companies with the Department of Revenue, reporting all leased real property and the terms of the lease by taxing district.

(17) Revenue Form 61A200(N2), "Report of Operating Leased Personal Property Located in Kentucky By Taxing District", shall be filed by public service companies with the Department of Revenue, reporting all leased personal property and the terms of the lease by taxing district.

(18) Revenue Form 61A200(N3), "Summary Report of System and Kentucky Operating Lease Payments", shall be filed by public service companies with the Department of Revenue reporting the annual operating lease payments paid during the calendar year.

(19) Revenue Form 61A200(O), "Railroad Private Car Mileage Report", shall be filed by railroad car line companies with the Department of Revenue reporting the name and address of the company and the mileage in Kentucky.

(20) Revenue Form 61A200(Q), "Supplemental Report of Operations for Contained and Residential Landfills", shall be filed by

landfills with the Department of Revenue, reporting historic, current, and projected operational information.

(21) Revenue Form 61A200(R), "Report of Property Subject to the Pollution Control Tax Exemption", shall be filed by public service companies with the Department of Revenue, reporting certified pollution control equipment, the original cost and the net book value.

(22) Revenue Form 61A200(U), "Industrial Revenue Bond Property", shall be filed by a public service company to list real and tangible personal property purchased with an industrial revenue bond.

(23) Revenue Form 61A202, "2012[2014] Public Service Company Property Tax Return for Railroad Car Line", shall be filed by railroad car line companies with the Department of Revenue, classifying the railcars by type and reporting cost, age, and mileage for each railcar.

(24) Revenue Form 61A206(P), "Public Service Company Property Tax Forms and Instructions for Commercial Air Passenger and Air Freight Carriers 2012[2014]", shall be the packet of files and instructions relating to Revenue Form 61A206 for use by commercial air passenger and air freight carriers reporting company name, location and other pertinent information with the Department of Revenue.

(25) Revenue Form 61A206, "Public Service Company Property Tax Return For Commercial Air Passenger and Air Freight Carriers", shall be filed by all commercial air passenger and air freight carriers reporting taxpayer name, location and other pertinent information with the Department of Revenue.

(26) Revenue Form 61A206(A), "Filing Extension Application for Public Service Company Property Tax Return", shall be used by commercial air passenger and air freight carriers to request an extension of time to file the commercial air passenger and air freight carriers tax return.

(27) Revenue Form 61A206(B), "Report of Kentucky Registered and Licensed Motor Vehicles", shall be filed by commercial air passenger and air freight carriers to report vehicles, both owned and leased, registered within the state of Kentucky as of December 31.

(28) Revenue Form 61A206(C), "Report of Financial Operations for Commercial Air Passenger and Air Freight Carriers", shall be used by all commercial, passenger, or cargo airlines conducting business in Kentucky to provide the Department of Revenue with year-end [year-end] financial statements, a complete annual report, and a complete 10K report (FCC annual report) for the twelve (12) month period ending December 31.

(29) Revenue Form 61A206(D-1), "Report of System Aircraft Fleet", shall be filed by commercial air passenger and air freight carriers providing a complete listing of fleet aircraft owned and capital-leased as of December 31.

(30) Revenue Form 61A206(D-2), "Report of System Aircraft Fleet", shall be filed by commercial air passenger and air freight carriers providing a complete listing of operating leased fleet aircraft.

(31) Revenue Form 61A206(D-3), "Report of System Aircraft Fleet", shall be filed by all commercial air passenger and air freight carriers providing a complete listing of all fleet managed aircraft and aircraft held for resale or nonoperating.

(32) Revenue Form 61A206(E), "Report of Kentucky Flight Statistics By Airport", shall be filed by all commercial air passenger and air freight carriers providing a listing of all arrivals, departures, and ground time at all Kentucky airports and heliports.

(33) Revenue Form 61A206(F), "Report of System and Kentucky Allocation Factors", shall be filed by all commercial air passenger and air freight carriers listing property factors and business factors.

(34) Revenue Form 61A206(G), "Report of Funded Debt", shall be filed by all commercial air passenger and air freight carriers listing all debt obligations, both long term and short term, by class and obligation.

(35) Revenue Form 61A206(H), "Report of Operating Leased Real Property Located in Kentucky By Taxing District", shall be filed by all commercial air passenger and air freight carriers listing all real property in Kentucky leased on an operating lease basis.

(36) Revenue Form 61A206(I), "Report of Operating Leased

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Personal Property Located in Kentucky By Taxing District", shall be filed by all commercial air passenger and air freight carriers listing all personal property in Kentucky leased on an operating lease basis.

(37) Revenue Form 61A206(J), "Summary Report of System and Kentucky Operating Lease Payments", shall be filed by all commercial air passenger and air freight carriers listing all annual operating lease payments.

(38) Revenue Form 61A206(K), "Report of Owned Real Property Located in Kentucky By Taxing District", shall be filed by all commercial air passenger and air freight carriers listing all real property owned in Kentucky.

(39) Revenue Form 61A206(L), "Report of Owned Personal Property Located in Kentucky By Taxing District", shall be filed by all commercial air passenger and air freight carriers listing all personal property owned in Kentucky.

(40) Revenue Form 61A206(M), "Summary Report of Total System and Kentucky Operations", shall be filed by all commercial air passenger and air freight carriers listing all real and personal property owned and leased, providing the original cost, depreciation and depreciated cost values.

(41) Revenue Form 61A206(N), "Industrial Revenue Bond Property", shall be filed by all commercial air passenger and air freight carriers listing real and tangible property purchased with an industrial revenue bond.

(42) Revenue Form 61A206(O), "Public Service Company Sales", shall be filed by commercial air passenger and air freight carriers listing any assets bought or sold during the year.

(43) Revenue Form 61A207(P), "Commercial Watercraft Personal Property Tax Return 2012[2014]", shall be the packet of files and instructions relating to Revenue Form 61A207 for use by commercial watercraft owners both resident and nonresident, reporting the watercraft's book value, original cost and total and Kentucky route mileage with the Department of Revenue.

(44) Revenue Form 61A207, "2012[2014] Commercial Watercraft Personal Property Tax Return", shall be filed by all commercial watercraft owners, both resident and nonresident, reporting the watercraft's book value, original cost, and total and Kentucky route mileage with the Department of Revenue.

(45) Revenue Form 61A207(A), "Report of Owned Vessels in Your Possession", shall be filed with the Department of Revenue, reporting all owned vessels (both available and operating) in their fleet as of January 1, 2012 [2014].

(46) Revenue Form 61A207(B), "Report of Owned Vessels - in Possession of Others", shall be filed with the Department of Revenue, reporting all owned vessels that are in possession of other persons, companies, corporations, operators, or charterers as of January 1, 2012 [2014].

(47) Revenue Form 61A207(C), "Report of Nonowned Vessels in Your Possession", shall be filed with the Department of Revenue, reporting all nonowned vessels (both available and operating) in their fleet as of January 1, 2012 [2014].

(48) Revenue Form 61A207(D), "Commercial Watercraft Valuation Worksheet", shall be filed with the Department of Revenue, reporting the original cost, cost of rebuilds and the cost of major improvements of all owned and non-owned [non-owned] vessels.

(49) Revenue Form 61A207(E), "Report of Kentucky Route Miles", shall be filed with the Department of Revenue reporting the system route miles traveled on Kentucky waterways.

(50) Revenue Form 61A207(F), "Report of System Route Miles", shall be filed with the Department of Revenue reporting the system route miles traveled on United States waterways.

(51) Revenue Form 61A209, "Public Service Company Sales", shall be filed by public service companies with the Department of Revenue, reporting any full or partial sale or purchase of assets of the public service company.

(52) Revenue Form 61A211, "Public Service Company Schedule of Owned and/or Leased Motor Vehicles with Kentucky Situs", shall be filed by public service companies with the Department of Revenue reporting all motor vehicles owned or leased within Kentucky.

(53) Revenue Form 61A211(I), "Instructions Public Service Company Schedule of Owned and/or Leased Motor Vehicles with Kentucky Situs", shall provide instructions for completing Revenue

Form 61A211, "Public Service Company Schedule of Owned and/or Leased Motor Vehicles with Kentucky Situs".

(54) Revenue Form 61A230, "Notice of Assessment", shall be sent by the Department of Revenue to the taxpayer notifying him or her of the final assessment of the public service company property.

(55) Revenue Form 61A240, "Notice of Assessment", shall be sent by the Department of Revenue to the taxpayer notifying him or her of a tentative assessment of the public service company property. This notice shall inform the taxpayer of the protest period.

(56) Revenue Form 61A250, "Notice of Assessment", shall be sent by the Department of Revenue to the taxpayer notifying the taxpayer of his or her claim of assessed value on public service company property.

(57) Revenue Form 61A255, "Public Service Company Property Tax Statement", shall be used by the counties, schools and special districts to bill public service companies for local property taxes.

(58) Revenue Form 61A255(I), "Instructions for 61A255, Public Service Company Property Tax Statement", shall provide instructions for completing Revenue Form 61A255, "Public Service Company Property Tax Statement".

(59) Revenue Form 61A500(P), "2012[2014] Personal Property Tax Forms and Instructions for Communications Service Providers and Multichannel [Multi-channel] Video Programming Service Providers", shall be the packet of files and instructions relating to Revenue Form 61A500 for use by telecommunication, satellite, and cable television companies, reporting all tangible personal property with the Department of Revenue.

(60) Revenue Form 61A500, "2012[2014] Tangible Personal Property Tax Return for Communications [Communication] Service Providers and Multichannel Video Programming[Program] Service Providers", shall be filed by telecommunication, satellite, and cable television companies, reporting all tangible personal property with the Department of Revenue.

(61) Revenue Form 61A500(H), "Report of Total Personal Tangible Property in Kentucky", shall be filed by telecommunication, satellite, and cable television companies with the Department of Revenue, summarizing the Kentucky original cost, depreciation, and net book value of each class of tangible personal property.

(62) Revenue Form 61A500(I), "Summary of Gross Personal Tangible Property Listing by Taxing District", shall be filed by telecommunication, satellite, and cable television companies with the Department of Revenue, summarizing the Kentucky Original Cost by taxing jurisdiction.

(63) Revenue Form 61A500(J), "Summary of Reported Personal Tangible Property Listing by Taxing District", shall be filed by telecommunication, satellite, and cable television companies with the Department of Revenue, summarizing the Kentucky reported value by taxing jurisdiction.

(64) Revenue Form 61A500(K), "Personal Tangible Property Listing by Taxing District", shall be filed by telecommunication, satellite and cable television companies with the Department of Revenue and shall contain an inventory of the amount and kind of personal property owned and located in Kentucky by taxing jurisdiction.

(65) Revenue Form 61A507, "Nonresident Watercraft Property Tax Statement", shall be used by county clerks and local tax jurisdictions to bill assessments of nonresident watercraft personal property.

(66) Revenue Form 61A508, "Annual Report of Distilled Spirits in Bonded Warehouse", shall be filed by distilleries with the Department of Revenue to report inventory as of January 1.

(67) Revenue Form 61A508-S1, "Schedule 1 Department of Property Valuation Cost of Production Schedule", shall be filed by distilleries with the Department of Revenue, reporting the average cost per gallon of production.

(68) Revenue Form 61A508-S2, "Schedule 2 Department of Property Valuation Storage Cost Schedule", shall be filed by distilleries with the Department of Revenue, reporting average per barrel storage cost.

(69) Revenue Form 61A508-S3, "Schedule 3 Schedule of Bulk Sales", shall be filed by distilleries with the Department of Revenue, reporting the date of the sale or purchase, the number of barrels, age, and the price.

(70) Revenue Form 61A508-S4, "Schedule 4", shall be filed by distilleries with the Department of Revenue, reporting the fair cash value of bulk inventory summarized on Form 61A508.

(71) Revenue Form 61A508-S5, "Schedule 5", shall be filed by distilleries with the Department of Revenue, reporting the fair cash values of case goods summarized on Form 61A508.

(72) Revenue Form 61A509, "Distilled Spirits or Telecoms Property Tax Statement", shall be used by county clerks and local tax jurisdictions to bill assessments of distilled spirits and telecom personal property.

(73) Revenue Form 61F007, "Notification Protesting Your Commercial Watercraft Assessment", shall inform taxpayers of the protest procedures on Commercial Watercraft assessments.

(74) Revenue Form 61F008, "Notification Protesting Your Assessment", shall inform taxpayers of the protest procedures on Railroad Car Line assessments.

(75) Revenue Form 61F009, "Notification Protesting Your Assessment", shall inform taxpayers of the protest procedures on Public Service Company Property Tax assessments.

(76) Revenue Form 61F010, "Property Value Assessments for Public Service and Centrally Assessed Companies - Assessment of Distilled Spirits in Bonded Warehouses", shall inform taxpayers of the protest procedures on Distilled Spirits assessments.

(77) Revenue Form 62A007, "Motor Vehicle Tax and/or Registration Renewal Notice", shall be issued by the Department of Revenue to notify motor vehicle owners of their ad valorem property tax liabilities and registration renewal deadline.

(78) Revenue Form 62A007S, "Motor Vehicle/Boat Property Tax Notice - Second Notice", shall be issued by the Department of Revenue to notify motor vehicle and boat owners of their delinquent ad valorem property tax liabilities.

(79) Revenue Form 62A008, "Motor Vehicle Tax Notice", shall be issued by the Department of Revenue to notify motor vehicle owners of their ad valorem property tax liabilities.

(80) Revenue Form 62A009, "Map Sales Invoice", shall be provided to the customer by the Department of Revenue as a receipt for payment of maps purchased.

(81) Revenue Form 62A010, "Notice for Boat Transfer", shall be issued to January 1 owners of boats transferred during the calendar year informing them of the ad valorem tax due on the transferred boat.

(82) Revenue Form 62A013, "Application for Assessment Moratorium Certificate", shall be filed by property owners seeking an assessment moratorium on qualifying existing property undergoing repair, rehabilitation or restoration. The form shall be filed with the proper administering agency of the county in which the property is located, thirty (30) days prior to restoration or repair.

(83) Revenue Form 62A015, "2012[2014] Motor Vehicle and Watercraft Property Tax Rate Certification", shall be submitted annually to the Department of Revenue by motor vehicle and watercraft taxing jurisdictions to certify the rates established by the taxing jurisdiction for motor vehicles and watercraft.

(84) Revenue Form 62A016, "Quietus", shall be issued by the Department of Revenue to certify that a county clerk is in good standing with regard to the conduct of ad valorem property tax collection duties.

(85) Revenue Form 62A017, "County Clerk's Claim for Calculation of Motor Vehicle and Boat Bills", shall be completed by the Department of Revenue and county clerk to certify the total number of motor vehicle and boat accounts for a given county and determine the county clerk's compensation for making tax bills.

(86) Revenue Form 62A020, "Intercounty Property Tax Collections", shall be completed by the Department of Revenue to list distributions of ad valorem property tax made to individual taxing jurisdictions.

(87) Revenue Form 62A023, "Application for Exemption from Property Taxation", shall be filed by organizations seeking a property tax exemption under Ky. Const. Sec. 170. This form shall be filed with the Department of Revenue.

(88) Revenue Form 62A030, "Request for Reproduction of PVA Public Records and Contract for Commercial Users", shall be submitted to request copies of documents required to be retained by the PVA.

(89) Revenue Form 62A044, "Affidavit for Correc-

tion/Exoneration of Motor Vehicle/Boat/Trailer Property Tax", shall be completed by the owner of a vehicle, boat, or trailer at the property valuation administrator's office in order to correct owner or vehicle, boat, or trailer information in the ad valorem tax computer system. The PVA shall present the form to the county clerk when a tax refund is authorized.

(90) Revenue Form 62A200(P), "2012[2014] Unmined Coal Property Tax Information Return", shall be the packet of files and instructions relating to Revenue Form 62A200 for use by owners or lessees of unmined minerals, reporting filer information with the Department of Revenue.

(91) Revenue Form 62A200, "2012[2014] Unmined Coal Property Tax Information Return", shall be filed by owners or lessees of unmined minerals, reporting filer information with the Department of Revenue.

(92) Revenue Form 62A200, "Schedule A Fee Property Ownership", shall be filed by owners or lessees of unmined minerals with the Department of Revenue, reporting ownership information for each parcel or royalty information for each leased parcel.

(93) Revenue Form 62A200, "Schedule B Leased Property", shall be filed by all lessees and sublessees with the Department of Revenue, reporting ownership information for each parcel or royalty information for each leased parcel.

(94) Revenue Form 62A200, "Schedule C Property or Stock Transfers", shall be filed by both purchasers and sellers of unmined mineral property, with the Department of Revenue, reporting details of the transaction.

(95) Revenue Form 62A200, "Schedule D Lease Terminations, Transfers or Assignments", shall be filed by lessors or lessees of unmined minerals, with the Department of Revenue, reporting the parcel number, the date the lease was terminated and the seams assigned.

(96) Revenue Form 62A200, "Schedule E Farm Exception to Unmined Minerals Tax", shall be filed by surface owners, who own the mineral rights in their entirety and are engaged primarily in farming, to be excepted from the unmined minerals tax.

(97) Revenue Form 62A200, "Schedule F Geological Information by County", shall be filed by owners or lessees of unmined minerals, with the Department of Revenue, reporting exploration and analytical information.

(98) Revenue Form 62A302, "Request for Information for Local Board of Tax Appeals", shall be filed by taxpayers with the property valuation administrator, if appealing their assessment on real property.

(99) Revenue Form 62A304, "Property Valuation Administrator's Recapitulation of Real Property Tax Roll", shall be filed by the property valuation administrator by the first Monday in April, showing a recapitulation of property assessments by type of property and by taxing district. This form shall also be known as "first recap".

(100) Revenue Form 62A305, "Property Valuation Administrator's Summary of Real Property Tax Roll Changes (Since Recapitulation)", shall be filed by the property valuation administrator within six (6) days of the conclusion of the real property tax roll inspection period, showing all changes made since the submission of Revenue Form 62A304. This form shall also be known as "final recap" or "second recap".

(101) Revenue Form 62A307, "Property Owner Conference Record", shall be used by the property valuation administrator to document a property owner's appeal conference. The property owner or his or her representative shall be asked to sign the record and shall be given a copy of the record.

(102) Revenue Form 62A323, "Record of Additions and Deletions", shall be used by the PVA to report all real property additions and deletions for a particular assessment year.

(103) Revenue Form 62A329, "Annual Report of Domestic Life Insurance Companies", shall be filed by life insurance companies doing business in Kentucky, with the Department of Revenue, reporting the fair cash value of the company's intangible property, both taxable and exempt, and the aggregate amount.

(104) Revenue Form 62A350, "Application for Exemption Under the Homestead/Disability Amendment", shall be filed by property owners seeking an exemption from property taxes under Ky. Const. Sec. 170. This application shall be filed with the property

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valuation administrator of the county in which the residential unit is located.

(105) Revenue Form 62A352, "Notice to Real Property Owner of Assessment by Property Valuation Administrator", shall be mailed to the property owner by the property valuation administrator notifying him or her of the assessment amount and of his or her appeal rights.

(106) Revenue Form 62A353, "Notice of Listing of Omitted Real Property", shall be mailed by the property valuation administrator to the property owner. This document shall notify the property owner that his or her omitted property has been listed and assessed and of his or her appeal rights.

(107) Revenue Form 62A354, "Notice to Property Owner of Final Decision of Board of Assessment Appeals", shall be sent from the Board of Assessment Appeals to the property owner to inform him or her of its ruling.

(108) Revenue Form 62A358, "Receipt for Transferring Delinquent Property Tax Bills From the Sheriff to the County Clerk", shall be signed by both the sheriff and county clerk to affirm the number and total amount of delinquent tax bills transferred from the sheriff to the county clerk.

(109) Revenue Form 62A358-S, "Supplemental Receipt to Document Timely Postmarked Payments Received After the Delinquent Tax Bill Transfer Date", shall be signed by both the sheriff and the county clerk to affirm payments received by the sheriff via mail and postmarked timely after the transfer date.

(110) Revenue Form 62A359, "Sheriff's Report of Real Property Tax Bills Transferred to the County Clerk", shall be used by the sheriffs to report delinquent real estate tax bills that were transferred from the sheriff to the county clerk's office.

(111) Revenue Form 62A360, "Order Correcting Erroneous Assessment", shall be issued to the collection agency (county sheriff or clerk) and taxpayer correcting an erroneous mineral property tax assessment.

(112) Revenue Form 62A362, "Sheriff's Report of Delinquent Personal Property Tax Bills Transferred to the County Clerk", shall be used by the sheriff to report delinquent personal property tax bills transferred from the sheriff to the county clerk's office.

(113) Revenue Form 62A363, "County Clerk's Claim for Preparing Tax Bills", shall be submitted by the county clerk in order to receive payment for each property tax bill prepared, with one-half (1/2) paid out of the county treasury and one-half (1/2) paid out of the State Treasury.

(114) Revenue Form 62A363-B, "County Clerk's Claim for Preparing Omitted Tax Bills", shall be submitted by the county clerk in order to receive payment of one (1) dollar for each omitted property tax bill prepared, with one-half (1/2) paid out of the county treasury and one-half (1/2) paid out of the State Treasury.

(115) Revenue Form 62A364, "County Clerk's Monthly Report of Omitted Assessments", shall be used by the county clerk to report omitted assessments made by the property valuation administrator.

(116) Revenue Form 62A365, "Nonresidency Affidavit", shall be filed as proof of nonresidency in Kentucky as of January 1, for ad valorem tax purposes.

(117) Revenue Form 62A366, "Order Correcting Erroneous Assessment", shall be filed by the property valuation administrator with the sheriff, to correct an error made in an assessment of property.

(118) Revenue Form 62A366-D, "Order Correcting Erroneous Delinquent Assessment", shall be filed by the property valuation administrator with the sheriff, to correct an error made in a delinquent assessment of property.

(119) Revenue Form 62A366R, "Exoneration Form for Property Tax Refund", shall be filed by a taxpayer for refunds of property tax.

(120) Revenue Form 62A367, "Authorization for Preparing Additional/Supplemental Property Tax Bills", shall be used by a property valuation administrator to prepare additional or supplemental tax bills.

(121) Revenue Form 62A367-A, "Instructions for Preparation of Additional/Supplemental Tax Bills and Official Receipt", shall be provided to assist the PVA with the preparation of additional or supplemental tax bills.

(122) Revenue Form 62A368-A, "County Clerk's Monthly Report of Delinquent Tax Collections", shall be used by county clerks to report monthly to the Department of Revenue delinquent property tax collections for the 1997 tax year only.

(123) Revenue Form 62A368-B, "County Clerk's Monthly Report of Delinquent Tax Collections", shall be used by county clerks to report monthly to the Department of Revenue delinquent property tax collections for tax years after 1997.

(124) Revenue Form 62A369, "County Clerk's Monthly Report of Delinquent Tax Collections", shall be used by county clerks to report monthly to the Department of Revenue delinquent property tax collections for 1996 and earlier tax years.

(125) Revenue Form 62A369-A, "County Clerk's Monthly Report of Delinquent Tax Collections", shall be used by county clerks to report monthly to the Department of Revenue state commission from delinquent property tax collections.

(126) Revenue Form 62A370, "Kentucky Department of Revenue Certificate of Registration", shall be issued by the Department of Revenue to individuals, corporations or partnerships proving eligibility to purchase certificates of delinquency. This certificate shall be presented to the county clerk at the time certificates of delinquency are offered for sale.

(127) Revenue Form 62A370A, "Kentucky Department of Revenue Application for Certificate of Registration to Purchase Certificates of Delinquency", shall be submitted to the Department of Revenue by individuals, corporations or partnerships seeking to purchase certificates of delinquency offered for sale by the county clerk.

(128) Revenue Form 62A372, "Sheriff's List of Orders Correcting Erroneous Assessments", shall be used by the sheriff to report all exoneration made to the tax bills by the property valuation administrator.

(129) Revenue Form 62A372-A, "Certification", shall be used by the sheriff to affirm that the list of exoneration is accurate.

(130) Revenue Form 62A373, "Certificate of Transfer for Property Tax Payment", shall be issued by the sheriff to a person who has paid property taxes on behalf of another and wishes to be treated as a transferee under KRS 134.121.

(131) Revenue Form 62A374, "County Clerk Certificate of Delinquency Sale Registration", shall be used by the county clerk to register third parties interested in purchasing certificates of delinquency offered for sale by the county clerk.

(132) Revenue Form 62A375, "Release of Certificate of Delinquency Assigned to a Third Party", shall be used by the county clerk to release the lien of a certificate of delinquency that has been refunded to a third party purchaser.

(133) Revenue Form 62A378, "Report of Mobile Homes and Recreational Vehicles Not Registered in this State", shall be filed by every person providing rental space for mobile homes and recreational vehicles not registered in Kentucky. This form shall be filed with the property valuation administrator of the county in which the park is located.

(134) Revenue Form 62A379, "Listing of Omitted Real Property", shall be used by a taxpayer to voluntarily list any property previously omitted from the tax roll or shall be used by a property valuation administrator to list any involuntarily omitted property.

(135) Revenue Form 62A380, "Notification of Updated Mailing Address from Sheriff to Property Valuation Administrator", shall be used by the sheriff to provide an updated address to the property valuation administrator in accordance with KRS 134.119(8).

(136) Revenue Form 62A384C, "Clay Property Tax Return", shall be filed with the Department of Revenue by persons owning or leasing clay property, reporting the owner's name and address, percent ownership, product tons, and royalty rate.

(137) Revenue Form 62A384C(1), "Instructions to Complete Clay Property Tax Return for 2012 [2014] Tax Year", shall be used by owners and lessees of land containing mineable clay minerals to file Revenue Form 62A384C.

(138) Revenue Form 62A384-G, "Natural Gas Property Tax Return", shall be filed with the Department of Revenue by persons owning or leasing developed natural gas properties, reporting the location of the property, total yearly gas production, number of producing wells, and the total dollar value of production.



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~~(139)~~~~(138)~~ Revenue Form 62A384-G/O(I) "Gas/Oil," is is ~~shall be~~ a letter informing owners of natural gas and oil property of the responsibility to file, the filing deadline, and where to locate the forms.

~~(140)~~~~(139)~~ Revenue Form 62A384L, "Limestone, Sand and Gravel Property Tax Return", shall be filed with the Department of Revenue by persons owning or leasing limestone, sand or gravel properties reporting mineral location, type of mining and production in the last three (3) years.

~~(141)~~~~(140)~~ Revenue Form 62A384-O, "Oil Property Tax Return Lease Report", shall be filed with the Department of Revenue by all persons, corporations, businesses and partnerships owning, leasing or having knowledge of developed oil properties to report developed oil property in Kentucky.

~~(142)~~~~(141)~~ Revenue Form 62A385, "Sheriff's Official Receipt for Property Tax Bills", shall be used by sheriffs to acknowledge receipt of the county's property tax bills and to document the total tax amount to be collected for each taxing district.

~~(143)~~~~(142)~~ Revenue Form 62A385-A, "Sheriff's Receipt For Unpaid and Partially Paid Tax Bills", shall be used by incoming sheriffs to give receipt to the outgoing sheriff for the unpaid and partially paid tax bills outstanding when he or she assumes office.

~~(144)~~~~(143)~~ Revenue Form 62A393, "Sheriff's Property Tax Account Statement", shall be used by the Department of Revenue to conduct the annual property tax settlement with the sheriff.

~~(145)~~~~(144)~~ Revenue Form 62A393-A, "Incoming Sheriff's Property Tax Account Statement", shall be used by the Department of Revenue to conduct the property tax settlement with the incoming sheriff.

~~(146)~~~~(145)~~ Revenue Form 62A393-B, "Outgoing Sheriff's Property Tax Account Statement", shall be used by the Department of Revenue to conduct the property tax settlement with the outgoing sheriff.

~~(147)~~~~(146)~~ Revenue Form 62A394, "Sheriff's Monthly Report of Property Tax Collections", shall be used by sheriffs to report to the Department of Revenue property tax collections for the month.

~~(148)~~~~(147)~~ Revenue Form 62A394-MV, "County Clerk's Monthly Report of Motor Vehicle Property Tax Collections", shall be submitted by the county clerk to the Department of Revenue and local taxing jurisdictions to report ad valorem property tax collections for the month.

~~(149)~~~~(148)~~ Revenue Form 62A398, "Property Valuation Administrator's Bond", shall be completed by property valuation administrators evidencing surety with the Commonwealth and a local school board and affirming a commitment to fulfill the duties of the office.

~~(150)~~~~(149)~~ Revenue Form 62A500(P), "~~2012~~~~[2014]~~ Personal Property Tax Forms and Instructions", shall be the packet of files and instructions relating to Revenue Form 62A500 for use by owners or lessees of tangible personal property reporting taxpayer information, original cost of tangible property and reported value of tangible property with either the property valuation administrator of the county of taxable situs or with the Department of Revenue.

~~(151)~~~~(150)~~ Revenue Form 62A500, "~~2012~~~~[2014]~~ Tangible Personal Property Tax Return", shall be filed by owners or lessees of tangible personal property reporting taxpayer information, original cost of tangible property and reported value of tangible property with either the property valuation administrator of the county of taxable situs or with the Department of Revenue.

~~(152)~~~~(151)~~ Revenue Form 62A500-A, "~~2012~~~~[2014]~~ Tangible Personal Property Tax Return (Aircraft Assessments Only)", shall be filed by owners or lessees of aircraft not used for commercial purposes, with either the property valuation administrator of the county of taxable situs or with the Department of Revenue, reporting the federal registration number, make and model, and taxpayer's value for each aircraft.

~~(153)~~~~(152)~~ Revenue Form 62A500-C, "Consignee Tangible Personal Property Tax Return", shall be filed by persons in possession of consigned inventory, that has not been reported on Revenue Form 62A500, with either the property valuation administrator of the county of taxable situs or the Department of Revenue, reporting consignor information and consigned inventory information.

~~(154)~~~~(153)~~ Revenue Form 62A500-L, "Lessee Tangible Per-

sonal Property Tax Return", shall be filed by lessees of tangible personal property who did not list the property on Revenue Form 62A500, with either the property valuation administrator of the county of taxable situs or with the Department of Revenue, reporting lessor information and equipment information.

~~(155)~~~~(154)~~ Revenue Form 62A500-M1, "Boat Dealer's Used Inventory Listing for Line 31 Tangible Personal Property Tax Return" shall be filed by boat dealers with the property valuation administrator of each county of taxable situs or with the Department of Revenue, containing a detailed listing of used boats held for sale by a licensed boat dealer.

~~(156)~~~~(155)~~ Revenue Form 62A500-S1, "Automobile Dealer's Inventory Listing for Line 34 Tangible Personal Property Tax Return", shall be filed by automobile dealers, dealers with new boat and marine equipment held under a floor plan or dealers with new farm machinery held under a floor plan with the property valuation administrator of each county of taxable situs or with the Department of Revenue, containing a detailed listing of property reported on line 34 of the Tangible Personal Property Tax Return.

~~(157)~~~~(156)~~ Revenue Form 62A500-W, "~~2012~~~~[2014]~~ Tangible Personal Property Tax Return (Documented Watercraft)", shall be filed by owners or lessees of documented vessels not used for commercial purposes, with either the property valuation administrator of the county of taxable situs or with the Department of Revenue, reporting the coast guard number, make and model and taxpayer's value for each watercraft.

~~(158)~~~~(157)~~ Revenue Form 62A600, "Domestic Savings and Loan Tax Return", shall be filed with the Department of Revenue by savings and loans operating solely in Kentucky, reporting the balances in their capital accounts.

~~(159)~~~~(158)~~ Revenue Form 62A601, "Foreign Savings and Loan Tax Return", shall be filed with the Department of Revenue by foreign savings and loans authorized to do business in this state, reporting the balances in their capital accounts.

~~(160)~~~~(159)~~ Revenue Form 62A601-S2, "Schedule B, Computation of Exempt Securities", shall be filed with the Department of Revenue, by taxpayers filing Revenue Form 62A600 or 62A601, reporting the market value of U. S. government securities.

~~(161)~~~~(160)~~ Revenue Form 62A850, "Bank Deposits Tax Return", shall be filed with the Department of Revenue by financial institutions, reporting the amount of its deposits as of the preceding January 1.

~~(162)~~~~(161)~~ Revenue Form 62A862, "Certification of Tax Rate for Bank Deposits Franchise Tax", shall be filed by the local taxing district with the Department of Revenue to notify the Department of Revenue of the rate set on bank deposits.

~~(163)~~~~(162)~~ Revenue Form 62A863, "Financial Institutions Local Deposits Summary Report", shall be filed with the Department of Revenue, by financial institutions, reporting all deposits located within the state as of the preceding June 30, along with a copy of the most recent summary of deposits filed with the Federal Deposit Insurance Corporation.

~~(164)~~~~(163)~~ Revenue Form 62A863-A, "Schedule A, Summary of Net Deposits", shall be filed with the Department of Revenue, by financial institutions filing Revenue Form 62A863, to summarize deposits.

~~(165)~~~~(164)~~ Revenue Form 62A880, "Personal Property Assessment", shall be sent by the Department of Revenue to the owner of omitted personal property notifying him or her of the value assessed by the department as well as all applicable penalties and interest.

~~(166)~~~~(165)~~ Revenue Form 62B003, "Unmined Coal Notice of Tax Assessment", shall be sent by the Department of Revenue to the taxpayer notifying him or her of the value of his or her interest in unmined coal property.

~~(167)~~~~(166)~~ Revenue Form 62B011, "Limestone, Sand, or Gravel Assessment Notice", shall be sent by the Department of Revenue to the taxpayer notifying him or her of the value of his or her interest in limestone, sand or gravel property.

~~(168)~~~~(167)~~ Revenue Form 62B012, "Oil Assessment Notice", shall be sent by the Department of Revenue to the taxpayer notifying him or her of the value of his or her interest in oil property.

~~(169)~~~~(168)~~ Revenue Form 62B013, "Clay Assessment Notice", shall be sent by the Department of Revenue to the taxpayer

notifying him or her of the value of his or her interest in clay property.

(170)[(169)] Revenue Form 62B015, "Gas Assessment Notice", shall be sent by the Department of Revenue to the taxpayer notifying him or her of the value of his or her interest in gas property.

(171)[(170)] Revenue Form 62F003, "Appeals Process for Real Property Assessments", shall be an informational brochure on the procedure to follow to appeal an assessment on real property.

(172)[(171)] Revenue Form 62F015, "PVA Open Records Commercial Fee Guidelines", shall be used by the PVA to establish fees to be charged for the cost of reproduction, creation, or other acquisition of records.

(173)[(172)] Revenue Form 62F031, "Appeal to Local Board of Assessment Appeals", shall be filed with the county clerk by any taxpayer who wishes to appeal his or her assessment on real property.

(174) Revenue Form 62F200, "Important Reminder" shall be a postcard mailed to previous filers of the Unmined Coal Property Tax Information Return as a reminder of the responsibility to file, the filing deadline, and where to locate the forms.

(175) Revenue Form 62F384-G, "Important Reminder" shall be a postcard mailed to previous filers of the Natural Gas Property Tax Return as a reminder of the responsibility to file, the filing deadline, and where to locate the forms.

(176) Revenue Form 62F500, "Important Reminder" shall be a postcard mailed to previous filers of the Tangible Personal Property Tax Return as a reminder of the responsibility to file, the filing deadline and where to locate the forms.

(177)[(173)] Revenue Form 62F1341, "Exemptions Allowed for Savings and Loans, Savings Banks and Similar Institutions for Intangible Property Tax Purposes", shall inform taxpayers, subject to intangible property tax on the value of their capital stock, of those institutions which issue obligations that are exempt from state ad valorem taxation.

Section 2. Severance Taxes - Required Forms. (1) Revenue Form 10A100, "Kentucky Tax Registration Application", shall be filed by taxpayers with a coal severance and processing tax account listing taxpayer information including mine name and mining permit number.

(2) Revenue Form 55A004, "Coal Severance Tax Seller/Purchaser Certificate", shall be filed by the taxpayer to verify purchase coal deductions.

(3) Revenue Form 55A100, "Coal Severance Tax Return", shall be filed monthly by the taxpayer to report production and tax due.

(4) Revenue Form 55A100, "Part IV - Schedule of Purchased Coal", shall be used by the taxpayer to report coal purchased for processing and resale. "Part V - Schedule for Thin Seam Coal Tax Credit", shall be used by the taxpayer to apply for tax credit for underground mining of thin coal seams.

(5) Revenue Form 55A101, "Coal Severance Tax Return Instructions", shall be included with the coal tax return mailed to the taxpayer to assist in the completion of his or her return.

(6) Revenue Form 55A131, "Credit Memorandum", shall be used by the department to issue a credit to the taxpayer for an overpayment rather than a refund.

(7) Revenue Form 55A209, "Severance Tax Refund Application", shall be used by the taxpayer for the purpose of requesting a refund of tax overpaid.

(8) Revenue Form 56A001, "Application for Certificate of Registration Minerals and Natural Gas Tax", shall be used by persons dealing in minerals, natural gas or natural gas liquids who wish to register with the Department of Revenue to acquire an account number.

(9) Revenue Form 56A100, "Natural Gas and Natural Gas Liquids Tax Return", shall be used by registered natural gas and natural gas liquids taxpayers monthly to report production and tax due.

(10) Revenue Form 56A101, "Minerals Tax Return", shall be used by registered mineral taxpayers monthly to report production and tax due.

(11) Revenue Form 56A106, "Minerals Tax Certificate of Ex-

emption", shall be used by mineral taxpayers to claim exemptions from minerals tax for minerals purchased for the maintenance of a privately maintained but publicly dedicated road.

(12) Revenue Form 56A107, "Schedule A, Allocation of Gross Value of Minerals Severed in Kentucky and Schedule B, Minerals Purchased from Others for Processing by Taxpayer", shall be used by mineral taxpayers to compute gross value of minerals to be allocated and to show the allocation by county of the gross value of minerals severed in Kentucky and also shall be used by a taxpayer for showing minerals that are purchased from others for processing by the taxpayer.

(13) Revenue Form 56A108, "Schedule A, Gross Value of Natural Gas Sold to Nonconsumers and Schedule B, Taxable Gross Value of Natural Gas and Natural Gas Liquids Extracted in Kentucky by Taxpayer - Allocation", shall be used by natural gas taxpayers to show details of all natural gas extracted in Kentucky and sold to nonconsumers and also shall be used by natural gas taxpayers to allocate the natural gas to the county or counties where the natural gas or natural gas liquids were located prior to extraction.

(14) Revenue Form 56A109, "Schedule C, Natural Gas First Purchased by Taxpayer From Kentucky Producers", shall be used by natural gas taxpayers who are first purchasers of natural gas to show gross value by county or counties from which the natural gas was extracted.

(15) Revenue Form 56A110, "Minerals Tax Return Attachment, Schedule C, Computation of Clay Severed and Processed in Kentucky and Allocation of Tax Attributable to Clay", shall be used by mineral taxpayers that sever clay to compute tax due.

(16) Revenue Form 56A112, "Crude Petroleum Transporter's Monthly Report, Kentucky Oil Production Tax", shall be used by registered crude petroleum transporter's for reporting gross value and tax due.

(17) Revenue Form 56A113, "Minerals Tax Credit for Limestone Sold in Interstate Commerce", shall be used by mineral taxpayers for the purpose of determining the eligibility for the minerals tax credit.

(18) Revenue Form 56A114, "Crude Petroleum Transporter's Application for Registration", shall be used by crude petroleum transporters who wish to acquire an account number with the Kentucky Department of Revenue.

Section 3. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) Property tax - referenced material:

1. Revenue Form 61A200(P), "Property Tax Forms and Instructions for Public Service Companies 2012[2014]", August 2011 [2010];

2. Revenue Form 61A200, "Public Service Company Property Tax Return for Year Ending December 31, 2011[2010]", August 2011 [2010];

3. Revenue Form 61A200(A), "Report of Total Unit System and Kentucky Operations", August 2011 [2010];

4. Revenue Form 61A200(B), "Report of Kentucky Vehicles, Car Lines and Watercraft", August 2011 [2010];

5. Revenue Form 61A200(C), "Report of Total Unit Operations Balance Sheet", August 2011 [2010];

6. Revenue Form 61A200(D), "Report of Total Unit Operations Income Statement", August 2011 [2010];

7. Revenue Form 61A200(E), "Filing Extension Application", August 2011 [2010];

8. Revenue Form 61A200(G), "Report of Capital Stocks", August 2011 [2010];

9. Revenue Form 61A200(H), "Report of Funded Debt", August 2011 [2010];

10. Revenue Form 61A200(I), "Business Summary by Taxing Jurisdiction", August 2011 [2010];

11. Revenue Form 61A200(J), "Property Summary by Taxing Jurisdiction, Operating and Nonoperating Property", August 2011 [2010];

12. Revenue Form 61A200(K), "Operating Property Listing by Taxing Jurisdiction", August 2011 [2010];

13. Revenue Form 61A200(K2), "Nonoperating/Nonutility Property Listing by Taxing Jurisdiction", August 2011 [2010];

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14. Revenue Form 61A200(L), "Report of Allocation Factors, Operating and Noncarrier Property for All Interstate Companies", August 2011 [2040];
15. Revenue Form 61A200(M), "Report of Property and Business Factors for Interstate Railroad and Sleeping Car Companies", August 2011 [2040];
16. Revenue Form 61A200(N1), "Report of Operating Leased Real Property Located in Kentucky By Taxing District", August 2011 [2040];
17. Revenue Form 61A200(N2), "Report of Operating Leased Personal Property Located in Kentucky By Taxing District", August 2011 [2040];
18. Revenue Form 61A200(N3), "Summary Report of System and Kentucky Operating Lease Payments", August 2011 [2040];
19. Revenue Form 61A200(O), "Railroad Private Car Mileage Report", August 2011 [2040];
20. Revenue Form 61A200(Q), "Supplemental Report of Operations for Contained and Residential Landfills", August 2011 [2040];
21. Revenue Form 61A200(R), "Report of Property Subject to the Pollution Control Tax Exemption", August 2011 [2040];
22. Revenue Form 61A200(U), "Industrial Revenue Bond Property", August 2011 [2040];
23. Revenue Form 61A202, "2012[2044] Public Service Company Property Tax Return for Railroad Car Line", August 2011 [2040];
24. Revenue Form 61A206(P), "Public Service Company Property Tax Forms and Instructions for Commercial Air Passenger and Air Freight Carriers 2012[2044]", August 2011 [2040];
25. Revenue Form 61A206, "Public Service Company Property Tax Return For Commercial Air Passenger and Air Freight Carriers", August 2011 [2040];
26. Revenue Form 61A206(A), "Filing Extension Application for Public Service Company Property Tax Return", August 2011 [2040];
27. Revenue Form 61A206(B), "Report of Kentucky Registered and Licensed Motor Vehicles", August 2011 [2040];
28. Revenue Form 61A206(C), "Report of Financial Operations for Commercial Air Passenger and Air Freight Carriers", August 2011 [2040];
29. Revenue Form 61A206(D-1), "Report of System Aircraft Fleet", August 2011 [2040];
30. Revenue Form 61A206(D-2), "Report of System Aircraft Fleet", August 2011 [2040];
31. Revenue Form 61A206(D-3), "Report of System Aircraft Fleet", August 2011 [2040];
32. Revenue Form 61A206(E), "Report of Kentucky Flight Statistics By Airport", August 2011 [2040];
33. Revenue Form 61A206(F), "Report of System and Kentucky Allocation Factors", August 2011 [2040];
34. Revenue Form 61A206(G), "Report of Funded Debt", August 2011 [2040];
35. Revenue Form 61A206(H), "Report of Operating Leased Real Property Located in Kentucky By Taxing District", August 2011 [2040];
36. Revenue Form 61A206(I), "Report of Operating Leased Personal Property Located in Kentucky By Taxing District", August 2011 [2040];
37. Revenue Form 61A206(J), "Summary Report of System and Kentucky Operating Lease Payments", August 2011 [2040];
38. Revenue Form 61A206(K), "Report of Owned Real Property Located in Kentucky By Taxing District", August 2011 [2040];
39. Revenue Form 61A206(L), "Report of Owned Personal Property Located In Kentucky By Taxing District", August 2011 [2040];
40. Revenue Form 61A206(M), "Summary Report of Total System and Kentucky Operations", August 2011 [2040];
41. Revenue Form 61A206(N), "Industrial Revenue Bond Property", August 2011 [2040];
42. Revenue Form 61A206(O), "Public Service Company Sales", August 2011 [2040];
43. Revenue Form 61A207(P), "Commercial Watercraft Personal Property Tax Return 2012[2044]", November 2011 [2040];
44. Revenue Form 61A207, "2012[2044] Commercial Watercraft Personal Property Tax Return", November 2011 [2040];
45. Revenue Form 61A207(A), "Report of Owned Vessels in Your Possession", August 2011 [2040];
46. Revenue Form 61A207(B), "Report of Owned Vessels - in Possession of Others", August 2011 [2040];
47. Revenue Form 61A207(C), "Report of Nonowned Vessels in Your Possession", August 2011 [2040];
48. Revenue Form 61A207(D), "Commercial Watercraft Valuation Worksheet", November 2011 [2040];
49. Revenue Form 61A207(E), "Report of Kentucky Route Miles", November 2011 [2040];
50. Revenue Form 61A207(F), "Report of System Route Miles", November 2011 [2040];
51. Revenue Form 61A209, "Public Service Company Sales", August 2011 [2040];
52. Revenue Form 61A211, "Public Service Company Schedule of Owned and/or Leased Motor Vehicles with Kentucky Situs", August 2011 [2040];
53. Revenue Form 61A211(I), "Instructions Public Service Company Schedule of Owned and/or Leased Motor Vehicles [Veh-  
icle] with Kentucky Situs", August 2011 [2040];
54. Revenue Form 61A230, "Notice of Assessment", February 2010;
55. Revenue Form 61A240, "Notice of Assessment", July 2011 [August, 2008];
56. Revenue Form 61A250, "Notice of Assessment", August 2008;
57. Revenue Form 61A255, "Public Service Company Property Tax Statement", January 2012[February, 2044];
58. Revenue Form 61A255(I), "Instructions for 61A255, Public Service Company Property Tax Statement", July 2008;
59. Revenue Form 61A500(P), "2012[2044] Personal Property Tax Forms and Instructions for Communications Service Providers and Multichannel [Multi-channel] Video Programming Service Providers", November 2011 [2040];
60. Revenue Form 61A500, "2012[2044] Tangible Personal Property Tax Return for Communications [Communication] Service Providers and Multichannel Video Programming [Program] Service Providers", November 2011 [2040];
61. Revenue Form 61A500(H), "Report of Total Personal Tangible Property in Kentucky", November 2011 [2040];
62. Revenue Form 61A500(I), "Summary of Gross Personal Tangible Property Listing by Taxing District", August 2011 [Sep-  
tember, 2040];
63. Revenue Form 61A500(J), "Summary of Reported Personal Tangible Property Listing by Taxing District", August 2011 [Sep-  
tember, 2040];
64. Revenue Form 61A500(K), "Personal Tangible Property Listing by Taxing District", November 2011 [2040];
65. Revenue Form 61A507, "Nonresident Watercraft Property Tax Statement", January 2006;
66. Revenue Form 61A508, "Annual Report of Distilled Spirits in Bonded Warehouse", August 2011 [2040];
67. Revenue Form 61A508-S1, "Schedule 1 Department of Property Valuation Cost of Production Schedule", August 2011 [2040];
68. Revenue Form 61A508-S2, "Schedule 2 Department of Property Valuation Storage Cost Schedule", August 2011 [2040];
69. Revenue Form 61A508-S3, "Schedule 3 Schedule of Bulk Sales", August 2011 [2040];
70. Revenue Form 61A508-S4, "Schedule 4", August 2011 [2040];
71. Revenue Form 61A508-S5, "Schedule 5", August 2011 [2040];
72. Revenue Form 61A509, "Distilled Spirits or Telecoms Property Tax Statement", January 2012 [May, 2040];
73. Revenue Form 61F007, "Notification Protesting Your Commercial Watercraft Assessment", July 2011 [February, 2040];
74. Revenue Form 61F008, "Notification Protesting Your Assessment", July 2011 [February, 2040];
75. Revenue Form 61F009, "Notification Protesting Your Assessment", July 2011 [February, 2040];
76. Revenue Form 61F010, "Property Value Assessments for Public Service and Centrally Assessed [Assess] Companies - As-

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assessment of Distilled Spirits in Bonded Warehouses", March [February] 2010;

77. Revenue Form 62A007, "Motor Vehicle Tax and/or Registration Renewal Notice", 2006;

78. Revenue Form 62A007S, "Motor Vehicle/Boat Property Tax Notice - Second Notice", 2006;

79. Revenue Form 62A008, "Motor Vehicle Tax Notice", 2006;

80. Revenue Form 62A009, "Map Sales Invoice", July 2006;

81. Revenue Form 62A010, "Notice for Boat Transfer", 2009;

82. Revenue Form 62A013, "Application for Assessment Moratorium Certificate", December 2009;

83. Revenue Form 62A015, "2012[2014] Motor Vehicle and Watercraft Property Tax Rate Certification", 2011 [2010];

84. Revenue Form 62A016, "Quietus", 2009;

85. Revenue Form 62A017, "County Clerk's Claim for Calculation of Motor Vehicle and Boat Bills", 2009;

86. Revenue Form 62A020, "Intercounty Property Tax Collections", 2009;

87. Revenue Form 62A023, "Application for Exemption from Property Taxation", December 2011 [April, 2010];

88. Revenue Form 62A030, "Request for Reproduction of PVA Public Records and Contract for Commercial Users", February 2008;

89. Revenue Form 62A044, "Affidavit for Correction/Exoneration of Motor Vehicle/Boat/Trailer Property Tax", February 2009;

90. Revenue Form 62A200(P), "2012[2014] Unmined Coal Property Tax Information Return", December 2011 [2010];

91. Revenue Form 62A200, "2012[2014] Unmined Coal Property Tax Information Return", December 2011 [2010];

92. Revenue Form 62A200, "Schedule A Fee Property Ownership", December 2011 [2010];

93. Revenue Form 62A200, "Schedule B Leased Property", December 2011 [2010];

94. Revenue Form 62A200, "Schedule C Property or Stock Transfers", December 2011 [2010];

95. Revenue Form 62A200, "Schedule D Lease Terminations, Transfers or Assignments", December 2011 [2010];

96. Revenue Form 62A200, "Schedule E Farm Exception to Unmined Minerals Tax", December 2011 [2010];

97. Revenue Form 62A200, "Schedule F Geological Information by County", December 2011 [2010];

98. Revenue Form 62A302, "Request for Information for Local Board of Tax Appeals", September 2005;

99. Revenue Form 62A304, "Property Valuation Administrator's Recapitulation of Real Property Tax Roll", December 2008;

100. Revenue Form 62A305, "Property Valuation Administrator's Summary of Real Property Tax Roll Changes (Since Recapitulation)", December 2008;

101. Revenue Form 62A307, "Property Owner Conference Record", September 2005;

102. Revenue Form 62A323, "Record of Additions and Deletions", December 2008;

103. Revenue Form 62A329, "Annual Report of Domestic Life Insurance Companies", August 2010;

104. Revenue Form 62A350, "Application for Exemption Under the Homestead/Disability Amendment", December 2011 [October, 2010];

105. Revenue Form 62A352, "Notice to Real Property Owner of Assessment by Property Valuation Administrator", April 2005;

106. Revenue Form 62A353, "Notice of Listing of Omitted Real Property", September 2005;

107. Revenue Form 62A354, "Notice to Property Owner of Final Decision of Board of Assessment Appeals", August 2006;

108. Revenue Form 62A358, "Receipt for Transferring Delinquent Property Tax Bills From the Sheriff to the County Clerk", December 2009;

109. Revenue Form 62A358-S, "Supplemental Receipt to Document Timely Postmarked Payments Received After the Delinquent Tax Bill Transfer Date", March 2010;

110. Revenue Form 62A359, "Sheriff's Report of Real Property Tax Bills Transferred to the County Clerk", December 2009;

111. Revenue Form 62A360, "Order Correcting Erroneous Assessment", 2011 [January, 2008];

112. Revenue Form 62A362, "Sheriff's Report of Delinquent Personal Property Tax Bills Transferred to the County Clerk", December 2009;

113. Revenue Form 62A363, "County Clerk's Claim for Preparing Tax Bills", December 2007;

114. Revenue Form 62A363-B, "County Clerk's Claim for Preparing Omitted Tax Bills", December 2007;

115. Revenue Form 62A364, "County Clerk's Monthly Report of Omitted Assessments", February 2006;

116. Revenue Form 62A365, "Nonresidency Affidavit", January 2012 [December, 2007];

117. Revenue Form 62A366, "Order Correcting Erroneous Assessment", September 2011 [2005];

118. Revenue Form 62A366-D, "Order Correcting Erroneous Delinquent Assessment", September 2011 [December, 2007];

119. Revenue Form 62A366R, "Exoneration Form for Property Tax Refund", September 2011 [2005];

120. Revenue Form 62A367, "Authorization for Preparing Additional/Supplemental Property Tax Bills", December 2008;

121. Revenue Form 62A367-A, "Instructions for Preparation of Additional/Supplemental Tax Bills and Official Receipt", November 2011 [December, 2007];

122. Revenue Form 62A368-A, "County Clerk's Monthly Report of Delinquent Tax Collections", February 2006;

123. Revenue Form 62A368-B, "County Clerk's Monthly Report of Delinquent Tax Collections", February 2006;

124. Revenue Form 62A369, "County Clerk's Monthly Report of Delinquent Tax Collections", February 2006;

125. Revenue Form 62A369-A, "County Clerk's Monthly Report of Delinquent Tax Collections", February 2006;

126. Revenue Form 62A370, "Kentucky Department of Revenue Certificate of Registration", November 2009;

127. Revenue Form 62A370A, "Kentucky Department of Revenue Application for Certificate of Registration to Purchase Certificates of Delinquency", October 2011 [November, 2009];

128. Revenue Form 62A372, "Sheriff's List of Orders Correcting Erroneous Assessments", February 2006;

129. Revenue Form 62A372-A, "Certification", February 2006;

130. Revenue Form 62A373, "Certificate of Transfer for Property Tax Payment", January 2010;

131.[430.] Revenue Form 62A374, "County Clerk Certificate of Delinquency Sale Registration", November 2010;

132.[431.] Revenue Form 62A375, "Release of Certificate of Delinquency Assigned to a Third Party", February 2011 [April, 2010];

133.[432.] Revenue Form 62A378, "Report of Mobile Homes and Recreational Vehicles Not Registered in this State", August 2010;

134.[433.] Revenue Form 62A379, "Listing of Omitted Real Property", November 2011 [2010];

135.[434.] Revenue Form 62A380, "Notification of Updated Mailing Address from Sheriff to Property Valuation Administrator", September 2010;

136.[435.] Revenue Form 62A384C, "Clay Property Tax Return", January 2012 [2011];

137.[436.] Revenue Form 62A384C(I), "Instructions to Complete Clay Property Tax Return for 2012 [2011] Tax Year", January 2012 [2011];

138.[437.] Revenue Form 62A384-G, "Natural Gas Property Tax Return", January 2012 [2011];

139.[438.] Revenue Form 62A384-G/O(I), "Gas/Oil", [which is also referenced as Gas/Oil] January 2012 [2011];

140.[439.] Revenue Form 62A384L, "Limestone, Sand and Gravel Property Tax Return", January 2012 [2011];

141.[440.] Revenue Form 62A384-O, "Oil Property Tax Return Lease Report", January 2012 [2011];

142.[441.] Revenue Form 62A385, "Sheriff's Official Receipt for Property Tax Bills", February 2006;

143.[442.] Revenue Form 62A385-A, "Sheriff's Receipt for Unpaid and Partially Paid Tax Bills", February 2006;

144.[443.] Revenue Form 62A393, "Sheriff's Property Tax Account Statement", February 2006;

145.[444.] Revenue Form 62A393-A, "Incoming Sheriff's Property Tax Account Statement", February 2006;

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146.[145-] Revenue Form 62A393-B, "Outgoing Sheriff's Property Tax Account Statement", February, 2006;

147.[146-] Revenue Form 62A394, "Sheriff's Monthly Report of Property Tax Collections", January 2010;

148.[147-] Revenue Form 62A394-MV, "County Clerk's Monthly Report of Motor Vehicle Property Tax Collections", August 2011 [June, 2008];

149.[148-] Revenue Form 62A398, "Property Valuation Administrator's Bond", September 2010;

150.[149-] Revenue Form 62A500(P), "2012[2014] Personal Property Tax Forms and Instructions", November 2011 [2010];

151.[150-] Revenue Form 62A500, "2012[2014] Tangible Personal Property Tax Return", November 2011 [2014];

152.[151-] Revenue Form 62A500-A, "2012[2014] Tangible Personal Property Tax Return (Aircraft Assessments Only)", November 2011 [2010];

153.[152-] Revenue Form 62A500-C, "Consignee Tangible Personal Property Tax Return", November 2011 [2010];

154.[153-] Revenue Form 62A500-L, "Lessee Tangible Personal Property Tax Return", November 2011 [2010];

155.[154-] Revenue Form 62A500-M1, "Boat Dealer's Used Inventory Listing for Line 31 Tangible Personal Property Tax Return", November 2011 [2010];

156.[155-] Revenue Form 62A500-S1, "Automobile Dealer's Inventory Listing for Line 34 Tangible Personal Property Tax Return", November 2011 [2010];

157.[156-] Revenue Form 62A500-W, "2012[2014] Tangible Personal Property Tax Return (Documented Watercraft)", November 2011 [2010];

158.[157-] Revenue Form 62A600, "Domestic Savings and Loan Tax Return", August 2011 [2010];

159.[158-] Revenue Form 62A601, "Foreign Savings and Loan Tax Return", August 2011 [2010];

160.[159-] Revenue Form 62A601-S2, "Schedule B, Computation of Exempt Securities", August 2011 [2010];

161.[160-] Revenue Form 62A850, "Bank Deposits Tax Return", August 2011 [2010];

162.[161-] Revenue Form 62A862, "Certification of Tax Rate for Bank Deposits Franchise Tax", August 2011 [2010];

163.[162-] Revenue Form 62A863, "Financial Institutions Local Deposits Summary Report", August 2011 [2010];

164.[163-] Revenue Form 62A863-A, "Schedule A, Summary of Net Deposits", August 2011 [2010];

165.[164-] Revenue Form 62A880, "Personal Property Assessment", October 2004;

166.[165-] Revenue Form 62B003, "Unmined Coal Notice of Tax Assessment", November 2008;

167.[166-] Revenue Form 62B011, "Limestone, Sand, or Gravel Assessment Notice", July 2006;

168.[167-] Revenue Form 62B012, "Oil Assessment Notice", July 2006;

169.[168-] Revenue Form 62B013, "Clay Assessment Notice", July 2006;

170.[169-] Revenue Form 62B015, "Gas Assessment Notice", July 2006;

171.[170-] Revenue Form 62F003, "Appeals Process for Real Property Assessments", May 2009;

172.[171-] Revenue Form 62F015, "PVA Open Records Commercial Fee Guidelines", November 2008;

173.[172-] Revenue Form 62F031, "Appeal to Local Board of Assessment Appeals", January, 2010;

174. Revenue Form 62F200, "Important Reminder", January 2012;

175. Revenue Form 62F384-G, "Important Reminder", January 2012;

176. Revenue Form 62F500, "Important Reminder", December 2011; and

177.[173-] Revenue Form 62F1341, "Exemptions Allowed for Savings and Loans, Savings Banks and Similar Institutions for Intangible Property Tax Purposes", August 2011 [2010]; and

(b) Severance taxes - referenced material:

1. Revenue Form 10A100, "Kentucky Tax Registration Application", October 2011 [July, 2010];

2. Revenue Form 55A004, "Coal Severance Tax Sell-

er/Purchaser Certificate", October 2010;

3. Revenue Form 55A100, "Coal Severance Tax Return", October 2010;

4. Revenue Form 55A100, "Part IV - Schedule of Purchased Coal" and "Part V - Schedule for Thin Seam Coal Tax Credit", October 2010;

5. Revenue Form 55A101, "Coal Severance Tax Return Instructions", October 2010;

6. Revenue Form 55A131, "Credit Memorandum", December 2006;

7. Revenue Form 55A209, "Severance Tax Refund Application", August 2009;

8. Revenue Form 56A001, "Application for Certificate of Registration Minerals and Natural Gas Tax", October 1984;

9. Revenue Form 56A100, "Natural Gas and Natural Gas Liquids Tax Return", July 2004;

10. Revenue Form 56A101, "Minerals Tax Return", July 2004;

11. Revenue Form 56A106, "Minerals Tax Certificate of Exemption", December 2006;

12. Revenue Form 56A107, "Schedule A, Allocation of Gross Value of Minerals Severed in Kentucky and Schedule B, Minerals Purchased from Others for Processing by Taxpayer", January 2005;

13. Revenue Form 56A108, "Schedule A, Gross Value of Natural Gas Sold to Nonconsumers and Schedule B, Taxable Gross Value of Natural Gas and Natural Gas Liquids Extracted in Kentucky by Taxpayer - Allocation", March 2005;

14. Revenue Form 56A109, "Schedule C, Natural Gas First Purchased by Taxpayer from Kentucky Producers", January 2005;

15. Revenue Form 56A110, "Minerals Tax Return Attachment, Schedule C, Computation of Clay Severed and Processed in Kentucky and Allocation of Tax Attributable to Clay", March 2005;

16. Revenue Form 56A112, "Crude Petroleum Transporter's Monthly Report, Kentucky Oil Production Tax", July 2004;

17. Revenue Form 56A113, "Minerals Tax Credit for Limestone Sold in Interstate Commerce", November 1997; and

18. Revenue Form 56A114, "Crude Petroleum Transporter's Application for Registration", December 2006.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Revenue, 501 High Street, Frankfort, Kentucky 40620, Monday through Friday, 8 a.m. to 5 p.m.

THOMAS B. MILLER, Commissioner

APPROVED BY AGENCY: February 8, 2012

FILED WITH LRC: February 14, 2012 at 2 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 22, 2012 from 10:00 a.m. to 12:00 p.m. in Room 386, Capitol Annex Building, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend this hearing was received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until April 2, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed amended administrative regulation to the contact person.

CONTACT PERSON: DeVon Hankins, Policy Advisor, Office of General Counsel, Finance and Administration Cabinet, 392 Capitol Annex, Frankfort, Kentucky 40601, phone (502) 564-6660, fax (502) 564-9875

### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: DeVon Hankins

(1) Provide a brief summary of:

(a) What this administrative regulation does: KRS 131.130(3) authorizes the Department of Revenue to prescribe forms neces-

sary for the administration of any revenue law by promulgation of an administrative regulation incorporating the forms by reference. This administrative regulation incorporates by reference the required revenue forms used in the administration of Property and Severance Taxes by the Department of Revenue.

(b) The necessity of this administrative regulation: This administrative regulation is necessary in order for the Department of Revenue to meet the requirements of KRS Chapter 13A.110 which requires that forms required to be submitted by a regulated entity shall be included in an administrative regulation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 131.130(3) authorizes the Department of Revenue to prescribe forms necessary for the administration of any revenue law by the promulgation of an administrative regulation incorporating the forms by reference. This administrative regulation incorporates by reference the required revenue forms used in the administration of Property and Severance Taxes by the Department of Revenue.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation incorporates by reference the required forms used in the administration of Property and Severance Taxes by the Department of Revenue.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment contains tax forms to be used for tax year 2012.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to update tax forms for the tax year 2012.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 131.130(3) authorizes the Department of Revenue to prescribe tax forms necessary for the administration of the tax laws.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will provide taxpayers with the necessary tax forms to file and pay personal tangible and public service property taxes for tax years beginning in 2012.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All Kentucky taxpayers and their representatives will be affected by the listing of forms administered by the Department of Revenue in an administrative regulation. Local government will be affected to the extent they utilize forms administered by the Department of Revenue. The Department of Revenue will be affected to the extent that it administers the referenced forms.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: As forms are changed, the manuals and the Department of Revenue Website in which copies of all forms listed in this regulation are maintained will be updated.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional costs will be incurred by complying with the regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): All taxpayers and the administering agencies will benefit by having access to a centralized listing of the most current forms in use.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: The Department of Revenue will not incur additional cost as the result of this regulation.

(b) On a continuing basis: The Department of Revenue will not incur additional costs as the result of this regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Department of Revenue agency funds.

(7) Provide an assessment of whether an increase in fees or

funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: This administrative regulation does not require an increase in fees or funding.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish or increase any fees either directly or indirectly.

(9) TIERING: Is tiering applied? Tiering was not applied because the requirements of this regulation apply to every taxpayer.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Finance and Administration Cabinet, Department of Revenue, Office of Property Valuation, Local Valuation Branch, State Valuation Branch and Mineral/GIS Services Branch. The branch level shall be responsible for the creation and updating of forms.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 131.130(1)

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No change.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No change.

(c) How much will it cost to administer this program for the first year? The administrative cost will be absorbed in the normal operating cost of the Department.

(d) How much will it cost to administer this program for subsequent years? The same administrative cost will be absorbed in the normal operating budget of the Department.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

#### GENERAL GOVERNMENT CABINET Kentucky Board of Speech-Language Pathology and Audiology (Amendment)

**201 KAR 17:011. Requirements for interim licensure as a speech language pathologist.**

RELATES TO: KRS 334A.035, 334A.050

STATUTORY AUTHORITY: KRS 334A.080

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080 requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.035 and 334A.050 require the board to promulgate administrative regulations. licensure as a speech-language pathologist, including a requirement that an applicant meet specified education and experience criteria as determined by the board. This administrative regulation establishes criteria for interim licensure for speech-language pathologists.

Section 1. Education and Experience. (1) In addition to the citizenship requirements of KRS 334A.050, each applicant for in-

terim licensure in speech-language pathology in Kentucky shall provide a certified transcript confirming attainment of a master's degree in the area of speech-language pathology or communication disorders from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association, or posses equivalent education.

(2) An applicant shall have "equivalent" education if the applicant holds:

(a) A doctoral degree in speech-language pathology or communication disorders or a related area from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association; or

(b) A bachelor's degree from a regionally accredited college or university, and has completed all coursework and clinical practicum requirements leading to a doctorate or master's degree from a university program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association. A signed letter from the department chair or a director of graduate studies confirming all coursework and clinical hours have been met shall be provided if an official transcript is not yet available.

(3) The applicant shall submit to the board a written description verifying completion of the required academic coursework and supervised clinical experience on the Application for Interim License, with official transcript or letter from the university verifying satisfactory completion of degree requirements. Credit shall not be allowed for courses listed on the application unless satisfactory completion is verified by an official transcript. The applicant receiving academic credit (semester hours, quarter hours, or other unit of credit) with a passing grade as defined by the training institution shall constitute satisfactory completion.

(4) Application for approval of academic coursework and supervised clinical experience shall be made as soon as possible after completion of these experiences, and shall be due within thirty (30) days after the professional postgraduate experience is begun.

(5) A written plan for the postgraduate professional experience shall be submitted with the application for interim licensure within thirty (30) days after initiating the postgraduate professional experience. The applicant shall proceed to obtain postgraduate professional experience under a supervisor who is a speech-language pathologist who holds a valid Kentucky speech language pathology license or Education Professional Standards Board Master's level certification as a teacher of exceptional children in the areas of speech and communication disorders. An applicant for interim licensure shall submit a completed Application for Interim Licensure to the board.

(6) Postgraduate professional experience.

(a) After completion of academic coursework and clinical practicum, the applicant shall successfully complete a period of postgraduate professional experience.

(b) The experience shall consist of at least thirty-six (36) weeks of full-time professional experience to consist of a minimum of thirty-five (35) work hours per week or its part-time equivalent as follows:

1. At least eighty (80) percent of the major responsibilities during postgraduate professional experience shall be in direct contact with clients or patients, consultations, recordkeeping, and administrative duties.

2. The postgraduate professional experience shall not total less than 1,260 hours accumulated within twenty-four (24) months of the beginning date of the experience.

3. Professional experience of less than five hours per week shall not meet the requirement and shall not be counted toward the postgraduate professional experience.

4. Experience of more than thirty-five (35) hours per week shall not be used to reduce the postgraduate professional experience to less than thirty-six (36) weeks.

5. Once initiated, the postgraduate professional experience shall be completed within twenty-four (24) months.

6. Extension of the postgraduate professional experience may be granted in the event of:

- a. Illness;
- b. Change in employment status;
- c. Family Care Issue; or

d. Other extraordinary occurrence impacting one's ability to complete the postgraduate experience.

(c) The experience shall be completed under the supervision of an individual who holds a valid Kentucky speech-language pathology license or Education Professional Standards Board Masters level certification as a teacher of exceptional children in the areas of speech and communication disorders.

1. The postgraduate professional experience supervisor shall not engage in fewer than thirty-six (36) supervisory activities during the postgraduate professional experience.

2. This supervision shall include eighteen (18) on-site observations of direct client contact at the interim licensee's work site.

a. One (1) hour shall equal one (1) on-site observation.

b. A maximum of six (6) on-site observations may be accrued in one (1) day.

c. At least six (6) on-site observations shall be accrued during each third of the experience.

d. These on-site observations shall be of the interim licensee providing screening, evaluation, assessment, habilitation, and rehabilitation.

3. The supervision shall include eighteen (18) other monitoring activities.

a. At least six (6) other monitoring activities shall be completed during each of the three (3) segments of the postgraduate professional experience.

b. These other monitoring activities may be executed by correspondence, review of video tapes or audio tapes, evaluation of written reports, phone conferences with the interim licensee, or evaluations by professional colleagues.

4. The supervisor periodically shall conduct a formal evaluation of the applicant's progress in the development of professional skills.

5. A person with an interim license shall take and pass a national PRAXIS examination in speech-language pathology. Official documentation of scores shall be sent to the board directly from Educational Testing Services. A person with an interim license must continue to practice under supervision if a successful score is not achieved. If the applicant is unable to obtain a passing score within twenty (24) months, they shall seek board approval to continue to practice. The applicant shall:

(a) Submit a written, signed letter to the board requesting board approval; and

(b) Appear before the board.

Section 2. Incorporation by Reference. (1) "Application for Interim Licensure", February 2012 [September 2009], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

ANNE OLSON, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 22, 2012 at 9:00 a.m. (EST) at 911 Leawood Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until April 2, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Marcia Egbert, Board Administrator, Kentucky Board of Speech Language Pathology and Audiology,

PO Box 1370, Frankfort, Kentucky 40602

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

# REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michael West

(1) Provide a brief summary of

(a) What this administrative regulation does: This regulation establishes requirements for interim licensure as a speech language pathologist.

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions of KRS 334A.035.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by identifying the requirements for interim licensure as a speech language pathologist.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment modifies a form.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to clarify information requested on the forms.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity as the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist the board in administering this program the efficient collection of necessary information submitted by the licensee.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are 115 interim speech-language pathologists.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The individuals identified in question (3) will not be impacted. Prospective licensees will need to provide the documentation listed in the regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Costs will be minimal.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): None

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No new costs will be incurred by the changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by licensees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees will be required to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendment to this administrative regulation does not establish fees. Nor does it increase any fees

(9) TIERING: Is tiering applied? Tiering is not applied to this regulation.

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Speech Language Pathologists and Audiologists

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 334A.080(3).

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? None

(d) How much will it cost to administer this program for subsequent years? None

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

## GENERAL GOVERNMENT CABINET Kentucky Board of Speech-Language Pathology and Audiology (Amendment)

### 201 KAR 17:012. Requirements for licensure.

RELATES TO: KRS 334A.033, 334.035(1)(c), 334A.050, 334A.187

STATUTORY AUTHORITY: KRS 334A.033, 334A.050, 334A.080(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.033 and 334A.050 require the board to promulgate administrative regulations concerning licensure as a speech-language pathologist, including a requirement that an applicant meet specified education and experience criteria as determined by the board. This administrative regulation establishes criteria for licensure for speech-language pathologists.

Section 1. Education and Experience. In addition to the citizenship requirements of KRS 334A.050, each applicant for licensure in speech-language pathology in Kentucky shall meet the requirements established in this section:

(1)(a) An applicant shall provide a certified transcript confirming attainment of a master's degree in the area of speech-language pathology or communication disorders from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association, or possess equivalent education.

(b) An applicant shall have "equivalent" education if the applicant holds a doctoral degree in speech-language pathology, communication disorders or a related area from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association.

(2) The applicant shall have passed a national PRAXIS examination in speech-language pathology.



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(3) In accordance with KRS 334A.035(1)(c), within thirty (30) days after completion of the postgraduate professional experience, the applicant shall submit a complete application for licensure under this section. The applicant's supervisor shall verify the successful completion of postgraduate professional experience by signing the Application for License.

(4) In addition to fulfilling the requirements of this administrative regulation and paying the requisite fees established in 201 KAR 17:030(1), an applicant licensed in another state shall comply with the provisions of KRS 334A.187.

Section 2. Incorporation by Reference. (1) "Application for License", February 2012~~(September 2009)~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

ANNE OLSON, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 22, 2012 at 9:00 a.m. (EST) at 911 Leawood Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until April 2, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Marcia Egbert, Board Administrator, Kentucky Board of Speech Language Pathology and Audiology, PO Box 1370, Frankfort, Kentucky 40602

### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michael West

(1) Provide a brief summary of

(a) What this administrative regulation does: This regulation establishes requirements for licensure as a speech language pathologist.

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions of KRS 334A.030.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by identifying the requirements for licensure as a speech language pathologist.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment modifies a form.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to clarify information requested on the forms.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity as the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regula-

tion will assist the board in administering this program the efficient collection of necessary information submitted by the licensee.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are 1985 speech-language pathologists licensed by the Board.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The individuals identified in question (3) will not be impacted. Prospective licensees will need to provide the documentation listed in the regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Costs will be minimal.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Prospective licensees will be provided greater notice and clarity regarding the documentation required for licensure.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No new costs will be incurred by the changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by licensees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees will be required to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendment to this administrative regulation does not establish fees. Nor does it increase any fees.

(9) TIERING: Is tiering applied? Tiering is not applied to this regulation.

### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Speech Language Pathologists and Audiologists

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 334A.080(3).

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? None

(d) How much will it cost to administer this program for subsequent years? None

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

**GENERAL GOVERNMENT CABINET  
Kentucky Board of Speech-Language  
Pathology and Audiology  
(Amendment)**

**201 KAR 17:032. Requirements for interim licensure as an audiologist.**

RELATES TO: KRS 334A.185(2)

STATUTORY AUTHORITY: KRS 334A.080(3), 334A.185(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. This administrative regulation establishes requirements for interim licensure as an audiologist.

Section 1. Education and Experience. (1)(a) Each applicant for interim licensure in audiology in Kentucky shall provide a certified transcript confirming attainment of a Doctorate degree in audiology or a related field, or possess equivalent education as described in paragraph (b) of this subsection, excluding the Au.D. or substantive equivalent from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association or the Accreditation Commission for Audiology Education of the American Academy of Audiology.

(b) An applicant shall have equivalent education if the applicant holds:

1. A doctoral degree in audiology, excluding the Au.D., from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association or the Accreditation Commission for Audiology Education of the American Academy of Audiology; and

2. The applicant shall submit to the board a written description verifying completion of the required academic coursework and supervised clinical experience on the Application for Interim License, with required supporting documentation. Credit shall not be allowed for courses listed on the application unless satisfactory completion is verified by an official transcript. Satisfactory completion shall exist if the applicant has received academic credit (semester hours, quarter hours, or other unit of credit) with a passing grade as defined by the training institution. A signed letter from the department chair or a director of graduate studies confirming all coursework and clinical hours have been met shall be provided if an official transcript is not yet available.

3. Application for approval of academic coursework and supervised clinical experience shall be made as soon as possible after completion of these experiences, and either before or within thirty (30) days after the postgraduate professional experience is begun.

4. A written plan for postgraduate professional experience shall be submitted with the application for interim licensure within thirty (30) days after initiating the postgraduate professional experience. The applicant shall proceed to obtain postgraduate professional experience under a supervisor who is a licensed audiologist. An applicant for interim licensure shall submit a completed Application for Interim Licensure to the board.

(2) Postgraduate professional experience.

(a) After completion of academic coursework and clinical practicum, the applicant shall successfully complete a period of postgraduate professional experience.

(b) The experience shall consist of at least thirty-six (36) weeks of full-time professional experience to consist of a minimum of thirty-five (35) work hours a week or its part-time equivalent as follows:

(c) At least eighty (80) percent of the major responsibilities during the postgraduate professional experience shall be in direct client contact consultations, recordkeeping, and administrative duties.

(d) Postgraduate professional experience shall not total less than 1,260 hours.

(e) Once initiated, postgraduate professional experience shall be accumulated within twenty-four (24) months. This may be extended in the event of:

1. Illness;
2. Change in employment status;
3. Family care issue; or
4. Other extraordinary occurrence impacting one's ability to complete the postgraduate professional experience.

(f) Professional experience of less than five hours per week shall not meet the requirement and shall not be counted toward postgraduate professional experience.

(g) Experience of more than thirty-five (35) hours per week shall not be used to shorten the postgraduate professional experience to less than thirty-six (36) weeks.

(h) Extension of the postgraduate professional experience may be granted in the event of:

1. Illness;
2. Change in employment status;
3. Family care issue; or
4. Other extraordinary occurrence impacting one's ability to complete the postgraduate professional experience.

(3) Supervision shall be completed under the supervision of an individual who holds a valid license in audiology issued by Kentucky or a state that borders Kentucky.

(a) The postgraduate professional experience supervisor shall not engage in fewer than thirty-six (36) supervisory activities during the postgraduate professional experience.

(b) This supervision shall include eighteen (18) on-site observations of direct client contact at the interim licensee's work site.

1. One (1) hour shall equal one (1) on-site supervision.
2. A maximum of six (6) on-site observations may be accrued in one (1) day.
3. At least six (6) on-site observations shall be accrued during each third of the experience.

4. These on-site observations shall be of the interim licensee providing screening, evaluation, assessment, habilitation, or rehabilitation.

(c) The supervision shall include eighteen (18) other monitoring activities.

1. At least six (6) other monitoring activities shall be completed during each of the three (3) segments of the postgraduate professional experience.

2. These other monitoring activities may be executed by correspondence, review of videotapes or audiotapes, evaluation of written reports, phone conferences with the interim licensee, or evaluations by professional colleagues.

(d) The supervisor periodically shall conduct a formal evaluation of the applicant's progress in the development of professional skills.

(4) A person with an interim license shall take and pass a national PRAXIS examination in audiology. Official documentation of scores shall be sent to the board directly from Educational Testing Services. A person with an interim license shall continue to practice under supervision if a successful score is not achieved. If the applicant is unable to obtain a passing score within twenty-four (24) months, the applicant shall seek board approval to continue to practice.

Section 2. Incorporation by Reference. (1) "Application for Interim Licensure", February 2012~~[September 2009]~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leewood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

ANNE OLSON, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 22, 2012 at 9:00 a.m. (EST) at 911 Leewood Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who

wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until April 2, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Marcia Egbert, Board Administrator, Kentucky Board of Speech Language Pathology and Audiology, PO Box 1370, Frankfort, Kentucky 40602.

#### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michael West

(1) Provide a brief summary of

(a) What this administrative regulation does: This regulation establishes requirements for interim licensure as an audiologist.

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions of KRS 334A.185(2).

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by delineating application procedures for those who seek to obtain an interim license as an audiologist.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment modifies a form.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to clarify information requested on the forms.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity as the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist the board in administering this program the efficient collection of necessary information submitted by the licensee.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are currently no interim audiologists licensed.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The individuals identified in question (3) will not be impacted. Prospective interim licensees will be on greater notice regarding the application process.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Costs will be minimal.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Prospective interim licensees will be on greater notice regarding the application process.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No new costs will be incurred by the changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by licensees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regula-

tion, if new, or by the change if it is an amendment: No fees will be required to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish fees.

(9) TIERING: Is tiering applied? Tiering is not applied to this regulation.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Speech Language Pathologists and Audiologists

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 334A.080(3).

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? None

(d) How much will it cost to administer this program for subsequent years? None

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

#### GENERAL GOVERNMENT CABINET Kentucky Board of Speech-Language Pathology and Audiology (Amendment)

#### 201 KAR 17:034. Requirements for licensure as a Speech-Language Pathology Assistant.

RELATES TO: KRS 334A.030, 334A.033

STATUTORY AUTHORITY: KRS 334A.033, 334A.080(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.033(1)(b) requires the board to promulgate administrative regulations to set forth requirements for supervision, education and postgraduate professional experience for speech-language pathology assistants. This administrative regulation establishes criteria for licensure for speech-language pathology assistants.

Section 1. Education and Experience. Each applicant for licensure as a speech-language pathology assistant in Kentucky shall meet the requirements established by this section. (1) In order to receive a license to become a speech-language pathology assistant, the applicant shall possess a bachelor's degree in speech-language pathology or communication disorders, or possess equivalent education, as described in subsection (2) of this section, from a regionally accredited institution, such as the Southern Association of Colleges and Schools.

(2) An applicant shall have equivalent education if the applicant

has obtained a bachelor's degree and a minimum of twenty-seven (27) hours in the core areas of communication sciences or disorders including the following:

- (a) Anatomy and physiology;
- (b) Phonetics and speech science;
- (c) Speech and language development;
- (d) Communication disorders in children;
- (e) Audiology;
- (f) Aural rehabilitation; and
- (g) Intervention for children with communication disorders.

Section 2. Supervision. (1) The licensee shall function under the supervision of an appropriate supervisor during the period of licensure.

(2) The supervisor shall design and provide a supervision system that protects pupil welfare and maintains the highest possible standards of quality speech-language pathology services.

(3) The supervisor may require additional supervision based on the experience of the speech-language pathology assistant, the pupils served, and the physical or geographic proximity to the supervisor.

(4) As the supervisory responsibility of the supervisor increases, the direct service responsibilities of the supervisor shall decrease.

(5) Treatment for the pupils served shall remain the responsibility of the supervisor. The level of supervision required shall be the minimum level necessary for the supervisor to retain direct contact with the pupils.

(6) Each speech-language pathology assistant shall be required to receive direct supervision as stated in KRS 334A.033. Supervision shall be adjusted proportionally for less than full-time employment. The supervisor shall have direct contact time with the speech-language pathology assistant as well as with the pupil.

(7) Direct supervision shall consist of on-site, in-view observation and guidance as a clinical activity is performed.

(a) A speech-language pathology assistant shall be supervised by either:

- 1. A speech-language pathologist who holds a Kentucky license; or
- 2. A speech-language pathologist who holds Education Professional Standards Board Master's level certification as a teacher of exceptional children in the areas of speech and communication disorders.

(8) The supervisor shall provide information about the quality of the speech-language pathology assistant's performance with assigned tasks and verify that clinical activity is limited to tasks specified in the speech-language pathology assistant's scope of responsibilities.

(9) Information obtained during direct supervision may include data relative to:

- (a) Accuracy in implementation of screening, diagnostic, and treatment procedures;
- (b) Agreement between the assistant and the supervisor on correct or incorrect judgment of target behavior;
- (c) Accuracy in recording data; and
- (d) Ability to interact effectively with the pupil.

(10) Indirect supervision shall be required as stated in KRS 334A.033. Supervision shall be adjusted proportionally for less than full-time employment. Indirect supervision may include:

- (a) Demonstration;
- (b) Record review;
- (c) Review and evaluation of audio or videotaped sessions; or
- (d) Supervisory conferences that may be conducted by telephone.

(11) The minimum total of direct and indirect supervision as stated in KRS 334A.033 shall be required for each speech-language pathology assistant and shall be documented. Additional direct and indirect supervision may be necessary depending on the experience of the assistant and the needs of the pupil.

(12) A speech-language pathology assistant shall not provide direct services if a supervising speech-language pathologist cannot be reached by personal contact, phone, pager, or some other immediate means.

(13) If, for any reason (including maternity leave, illness, or a

change of jobs), the supervisor is no longer available to provide the level of supervision stipulated, the speech-language pathology assistant shall not provide service until a fully qualified speech-language pathologist has been designated as the speech-language pathology assistant's supervisor.

(14) Although more than one (1) supervisor may provide supervision of a speech-language pathology assistant, a supervisor shall not be listed as the supervisor of record for more than two (2) speech-language pathology assistants. If multiple supervisors are used, each supervisor shall be responsible for that portion of the caseload that is theirs and each shall sign the license application and postgraduate professional experience report.

Section 3. Within thirty (30) days after completion of postgraduate professional experience, the applicant shall submit a complete application for licensure under this section. The applicant's supervisor shall verify the successful completion of postgraduate professional experience by signing the Application for License.

Section 4. Incorporation by Reference. (1) "Application for Licensure", February 2012~~September 2009~~, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

ANNE OLSON, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 22, 2012 at 9:00 a.m. (EST) at 911 Leawood Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until April 2, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Marcia Egbert, Board Administrator, Kentucky Board of Speech Language Pathology and Audiology, PO Box 1370, Frankfort, Kentucky 40602.

#### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michael West

(1) Provide a brief summary of

(a) What this administrative regulation does: This regulation establishes requirements for licensure are a speech-language pathology assistant.

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions KRS 334A.030 and KRS 334A.033.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by delineating application procedures and requirements for those seeking to become licensed as a speech-language pathology assistant.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment modifies a form.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to clarify information requested on the forms.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity as the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist the board in administering this program the efficient collection of necessary information submitted by the licensee.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are 25 interim speech language pathology assistants.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The individuals identified in question (3) will not be impacted. Prospective licensees will be on greater notice regarding the application process.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Costs will be minimal.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Prospective licensees will be on greater notice regarding the application process.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No new costs will be incurred by the changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by licensees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees will be required to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish fees.

(9) TIERING: Is tiering applied? Tiering is not applied to this regulation.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Speech Language Pathologists and Audiologists

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 334A.080(3).

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? None

(d) How much will it cost to administer this program for subsequent years? None

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

#### GENERAL GOVERNMENT CABINET Kentucky Board of Speech-Language Pathology and Audiology (Amendment)

#### 201 KAR 17:036. Requirements for licensure for an audiologist.

RELATES TO: KRS 334A.030, 334A.050, 334A.185, 334A.187  
STATUTORY AUTHORITY: KRS 334A.050, 334A.080(3), 334A.185.

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the Board of Speech-Language Pathology and Audiology to promulgate responsible administrative regulations, including administrative regulations which delineate qualifications for licensure and renewal of licensure. KRS 334A.050 and 334A.185 require the board to promulgate administrative regulations delineating education and experience criteria for licensure for audiologists. This administrative regulation establishes requirements for licensure for an audiologist.

Section 1. Education and Experience. Each applicant for licensure as an audiologist in Kentucky shall meet the requirements established by this section. (1)(a) An applicant shall provide a certified transcript confirming attainment of a doctorate degree in the area of audiology or substantive equivalent as described in paragraph (b) of this subsection, from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association or the Accreditation Commission for Audiology Education of the American Academy of Audiology.

(b) An applicant shall have equivalent education if the applicant holds:

1. A doctoral degree in audiology from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association; or

2. A master's degree from a program accredited by the Council for Academic Accreditation of the American Speech Language Hearing Association conferred before January 1, 2007.

(2) The applicant shall have passed a national PRAXIS examination in audiology. Official documentation of scores shall be sent to the board directly from Educational Testing Services.

(3) Within thirty (30) days of obtaining employment, the applicant shall apply for full licensure.

(4) In addition to fulfilling the requirements of this administrative regulation and paying the fees specified in 201 KAR 17:030, an applicant licensed in another state or states shall submit a letter or letters of good standing from the other state or states where the applicant is licensed.

Section 2. Incorporation by Reference. (1) "Application for Licensure", February 2012[September–2009], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leewood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

ANNE OLSON, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 22, 2012 at 9:00 a.m. (EST) at 911 Leewood Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this

hearing shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until April 2, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Marcia Egbert, Board Administrator, Kentucky Board of Speech Language Pathology and Audiology, PO Box 1370, Frankfort, Kentucky 40602.

#### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michael West

(1) Provide a brief summary of

(a) What this administrative regulation does: This regulation establishes requirements for licensure as an audiologist.

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions KRS 334A.030, KRS 334A.050, and KRS 334A.185.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by delineating application procedures and requirements for those seeking to become licensed as an audiologist.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The amendment modifies a form.

(b) The necessity of the amendment to this administrative regulation: The amendment to this administrative regulation is necessary to clarify information requested on the forms.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment to this administrative regulation is in conformity as the authorizing statute that gives the board the ability to promulgate regulations generally regarding licensure requirements.

(d) How the amendment will assist in the effective administration of the statutes: The amendment to this administrative regulation will assist the board in administering this program the efficient collection of necessary information submitted by the licensee.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are 173 licensed audiologists.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The individuals identified in question (3) will not be impacted. Prospective licensees will be on greater notice regarding the application process.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Costs will be minimal.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Prospective licensees will be on greater notice regarding the application process.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No new costs will be incurred by the changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by licensees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees will be required to implement this administrative regulation.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish fees.

(9) TIERING: Is tiering applied? Tiering is not applied to this regulation.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Speech Language Pathologists and Audiologists

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 334A.080(3).

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? None

(d) How much will it cost to administer this program for subsequent years? None

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

#### GENERAL GOVERNMENT

#### Kentucky State Board of Licensure for Professional Engineers and Land Surveyors (Amendment)

#### 201 KAR 18:040. Fees.

RELATES TO: KRS 322.060, 322.090, 322.100, 322.110, 322.120, 322.160, 322.170

STATUTORY AUTHORITY: KRS 322.090, 322.100, 322.110, 322.120, 322.290(4), 322.290(10)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 322.100 gives the board the authority to set license fees. This administrative regulation establishes fees for examination, licensure, reinstatement, reissuance, and renewal.

Section 1. Examination Fees. (1) The fees for taking the Principles and Practice of Engineering Examination, the Principles and Practice of Land Surveying Examination, the Fundamentals of Engineering Examination, and the Fundamentals of Land Surveying Examination, ~~and the Structural II Examination~~ shall be the actual amounts charged by the National Council of Examiners for Engineering and Surveying.

(2) The board shall reimburse examination fees for successfully completing:

(a) Any examination listed in subsection (1) for active members

or veterans of the Armed Forces of the United States. Application for reimbursement shall be made in writing to the board and include proof of passing the examination and of service in the Armed Forces of the United States.

(b) The Fundamentals of Engineering Examination or the Fundamentals of Surveying Examination for students currently enrolled in a Kentucky university or college on the date the examination was taken. Application for reimbursement shall be made in writing to the board and include proof of passing the examination and of enrollment in a Kentucky university or college on the date the examination was taken.

Section 2. Endorsement, Renewal, Reinstatement and Reissuance. (1) Renewal of an individual license is \$150 and is twenty (20) dollars for retired or inactive status.

(a) Licensees whose surnames begin with the letters A through K shall renew in odd-numbered years.

(b) Licensees whose surnames begin with the letters L through Z shall renew in even-numbered years.

(2) (a) The fee for reinstatement of an expired license or business entity permit that has been expired for less than one (1) year shall be calculated as provided by KRS 322.160(3).

(b) If the license or business entity permit has been expired for more than one (1) year, the former licensee or business entity shall file an application for reinstatement and pay a fee of \$500.

(3) Reissuance of a license after loss or destruction is twenty-five (25) dollars.

(4) The fee for licensure by endorsement as a professional engineer or professional land surveyor shall be \$300. The fee shall accompany the application for licensure.

(5) An applicant who fails the two (2) hour state specific examination on the first attempt shall be charged fifty (50) dollars for each subsequent attempt.

Section 3. Fees for Examination and Licensure in Additional Disciplines. (1) After initial licensure, a licensee may apply for examination in one (1) or more disciplines of engineering for which he has not been licensed.

(2) For each discipline of engineering he shall submit an:

(a) Updated application; and

(b) Examination fee as specified in this administrative regulation.

Section 4. Business Entities. (1) The fee for a permit to practice engineering or land surveying in this state shall be \$100 for either permit.

(2) A business entity which applies for a dual permit shall submit \$150.

(3) These fees shall accompany the application.

(4) The annual renewal fee for an individual permit shall be \$100.

(5) The annual renewal fee for a dual permit shall be \$150.

Section 5. Payment of Fees. (1) (a) Fees payable under Section 2 of this administrative regulation shall be paid by check or money order made payable to "Kentucky Board of Licensure".

(b) Fees payable under Section 1 of this administrative regulation shall be paid directly to the examination service.

(2) All fees are nonrefundable.

Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Application for Licensure to Practice Professional Engineering (1999)";

(b) "Application for Licensure to Practice Professional Land Surveying (2000)";

(c) "Professional Reference Form (2000)"; and

(d) "Report of Professional Experience (2000)".

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, Kentucky Engineering Center, 160 Democrat Drive, Frankfort, Kentucky 40601, 8 a.m. to 4:30 p.m., Monday through Friday, or by downloading from the board's Web page at <http://kyboels.ky.gov>.

B. DAVID COX, Executive Director

APPROVED BY AGENCY: February 9, 2012

FILED WITH LRC: February 10, 2012 at 2 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 21, 2012 at 1:30 p.m., local time, at 160 Democrat Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing of their intent to attend no later than five workdays prior to the date of the hearing. If no written notification of an individual's intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. If the public hearing is held, any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made, in which case the person requesting the transcript shall have the responsibility of paying for same. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until April 2, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Jonathan Buckley, General Counsel, Kentucky State Board of Licensure for Professional Engineers and Land Surveyors, 160 Democrat Drive, Frankfort, Kentucky 40601, phone (502) 573-2680, fax (502) 573-6687.

#### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact person: Jonathan Buckley

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes fees for examination, licensure, reinstatement, verification, reissuance, and renewal.

(b) The necessity of this administrative regulation: KRS 322.100 requires the board to establish license fees.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation contains all fee amounts.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: The regulation sets all fees so that the board can charge the appropriate amount for each item.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment contains a single change by eliminating any reference to a fee for the Structural II Examination.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary because the Structural II Examination is no longer given.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms to KRS 322.100 since that statute gives the board the authority to set license fees, which authority would include the removal of any reference to a fee for an examination that is no longer offered.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will eliminate any reference to an examination no longer offered, and avoid any confusion for any applicant seeking licensure.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This regulation will affect the approximate 400 examination candidates annually and the board itself.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) A detailed explanation of the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No additional actions will be required of either the licensees or the board.



(b) An estimate of the costs imposed on entities identified in question (3) in complying with this administrative regulation or amendment: There is no additional cost associated with this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This amendment will result in clarity of application of the regulation by removing any reference to a non-existent examination.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a.) Initially: None

(b.) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Restricted Agency Funds. The board receives no general or federal funds.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in funding will be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: No fees are established or increased as a result of this regulation.

(9) TIERING: Is tiering applied? Tiering was not used because this regulation should not disproportionately affect any particular group of people.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky State Board of Licensure for Professional Engineers and Land Surveyors.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 322.090, KRS 322.100, KRS 322.110, KRS 322.120, KRS 322.290(4), and KRS 322.290(10)

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. There will be no additional revenue or expenditure to any agency as a result of this amendment.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? There will be no additional cost involved in administering this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional cost involved in administering this program for the subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation: There is no additional cost or revenue generated by this amendment.

#### GENERAL GOVERNMENT Board of Physical Therapy (Amendment)

**201 KAR 22:045. Continued competency requirements and procedures.**

RELATES TO: KRS 327.010(1), (2), 327.070

STATUTORY AUTHORITY: KRS 327.040(10)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 327.040(10) authorizes the board to promulgate administrative regulations establishing a measure of continued competency as a condition of license renewal. This administrative regulation establishes continued competency requirements and procedures.

Section 1. Definitions. (1) "Contact hour" means a credit earned based on sixty (60) minutes of participation in a physical therapy-related activity.

(2) "Continued competency" means a planned learning experience relating to the scope of physical therapy practice as defined by KRS 327.010(1) if the subject is intervention, examination, research, documentation, education, or management of health care delivery systems.

(3) "Jurisprudence Examination" means an open book tutorial provided by the board on current physical therapy laws and administrative regulations.

Section 2. (1) A credential holder applying for renewal shall have completed the continued competency requirements established in subsections (2) and (3) of this section during the preceding renewal period. Continued competency shall be based on contact hours awarded.

(a) For a physical therapist, the board shall require thirty (30) contact hours as a condition of licensure renewal. These hours shall be obtained as follows:

1. Two (2) hours shall be awarded for the successful completion of the Jurisprudence Examination per biennium;

2. At least eighteen (18) hours shall be earned from Category 1 described in subsection (2) of this section; and

3. No more than ten (10) hours may be earned from Category 2 described in subsection (3) of this section.

(b) For a Physical Therapist Assistant, the board shall require twenty (20) contact hours as a condition of renewal. These hours shall be obtained as follows:

1. Two (2) hours shall be awarded for the successful completion of the Jurisprudence Examination per biennium;

2. At least ten (10) hours shall be earned from Category 1 described in subsection (2) of this section; and

3. No more than eight (8) hours may be earned from Category 2 described in subsection (3) of this section.

(c) A participant shall not be awarded contact hours for a course that is repeated more than once in the same biennium;

(2) Category 1 continued competency shall be any of the following:

(a) Completion of courses, seminars, workshops, symposia or home study courses consisting of at least three (3) contact hours that have been approved by the board, the board's designee, Federation of State Boards of Physical Therapy (FSBPT), the American Physical Therapy Association (APTA) or its components, or any other physical therapy licensing agency.

(b) Completion or auditing of an accredited postsecondary educational institution credit course.

1. Twelve (12) contact hours shall be awarded for each semester credit hour completed; and

2. Eight (8) contact hours shall be awarded for each quarter credit hour completed;

(c) Presentation of a continuing education course, workshop, seminar or symposium that has[courses, workshops, seminars, or symposia that have] been approved by the board or its designee. Contact hours shall be awarded equal to contact hours awarded to a participant with a maximum of two (2) events of the same course per biennium;

(d) Authorship of a research article, manuscript, or scientific paper, published in the biennium and related to physical therapy. Fifteen (15) contact hours shall be awarded per event with a maximum of two (2) events per biennium;

(e) A presented scientific poster or scientific platform presentation related to physical therapy. Ten (10) contact hours shall be awarded per event with a maximum of two (2) events per biennium;

(f) Teaching part of a physical therapy or physical therapist assistant credit course if that teaching is not the primary employ-



ment of the credential holder. A maximum of twenty (20) contact hours per biennium shall be awarded;

(g) Certification or recertification of clinical specialization within the scope of physical therapy practice. Twenty-eight (28) contact hours shall be awarded per biennium;

(h) Completion of a clinical residency program, or clinical fellowship program. Not more than five (5) contact hours shall be awarded for each week of residency with a maximum of twenty-eight (28) contact hours per program per biennium;

(i) Engaging in the practice of physical therapy as defined by KRS 327.010(2) at least 1,000 hours per biennium. Five (5) contact hours shall be awarded per biennium;

(j) Engaging in the instruction in a CAPTE-accredited physical therapy or physical therapist assistant program at least 1,000 hours per biennium. Five (5) contact hours shall be awarded per biennium;

(k) Appointment to the Kentucky Board of Physical Therapy. Four (4) contact hours shall be awarded per biennium;

(l) Election or appointment to a position of the Kentucky Physical Therapy Association, APTA or FSBPT as an officer or committee chair. Four (4) contact hours shall be awarded per biennium; or

(m) Member of a committee or task force for one (1) of the organizations in paragraph (k) or (l) of this subsection. One (1) contact hour shall be awarded per biennium.

(3) Category 2 continued competency shall be any of the following:

(a) Self-instruction from reading professional literature. One (1) contact hour shall be awarded per biennium;

(b) Attendance at a scientific poster session, lecture, panel, or symposium. One (1) contact hour shall be awarded for each hour of activity. A maximum of two (2) contact hours shall be awarded per biennium;

(c) Clinical instructor for a CAPTE-approved educational program or an APTA credentialed residency or fellowship program. Continued competency shall be one (1) contact hour per sixteen (16) hours of student supervision;

(d) Participation in a physical therapy in-service or study group consisting of two (2) or more physical therapists or physical therapist assistants. A maximum of two (2) contact hours shall be awarded per biennium;

(e) Completion of other unapproved applicable courses ~~consisting of less than three (3) hours in length~~. One (1) contact hour for each hour of credit shall be awarded up to a maximum of three (3) hours per course ~~per biennium~~;

(f) Participation in community service related to health care. One (1) contact hour for each hour of participation shall be awarded up to a maximum of two (2) hours per biennium ~~[A maximum of two (2) contact hours of continued competency shall be awarded for two (2) hours per biennium]~~; or

(g) Member of the APTA. One (1) contact hour shall be awarded per year and a maximum of two (2) contact hours per biennium.

(h) Completion of cardiopulmonary resuscitation initial certification or re-certification. A maximum of two (2) contact hours shall be awarded per biennium;

(i) Completion of a HIV/AIDS course. A maximum of two (2) contact hours shall be awarded per biennium;

(4) Documentation of compliance.

(a) Each licensee shall retain independently verifiable documentation of completion of all continued competency requirements of this administrative regulation for a period of three (3) years from the end of the biennium;

(b) The licensee shall, within thirty (30) days of a written request from the board, provide evidence of continued competency activities to the board; and

(c) A licensee who fails to provide evidence of the continued competency activities or who falsely certifies completion of continued competency activities shall be subject to disciplinary action pursuant to KRS 327.070.

(5) Exemption and extension.

(a) A licensee shall be granted a temporary hardship extension for an extension of time, not to exceed one (1) renewal cycle, if the licensee:

1. Files a completed Extension of Time for Completion of Continuing Competency Form, including a plan describing how the

required credits will be met; and

2. Submits documentation showing evidence of undue hardship by reason of the licensee's:

- a. Age;
- b. Disability;
- c. Medical condition;
- d. Financial condition; or
- e. Other clearly mitigating circumstance.

(b) A licensee shall be granted a temporary nonhardship extension of time if the licensee cannot show undue hardship and if the licensee:

1. Files a completed Extension of Time for Completion of Continuing Competency Form, including a plan describing how the required credits will be met, by March 31 of the odd-numbered year in the renewal cycle for which the extension is sought;

2. Pays a fee of \$250;

3. Has not received a temporary nonhardship extension of time in the prior renewal cycle; and

4. Files proof of compliance with the continuing competency requirements by the following July 1.

(c) A licensee on active military duty shall be granted an exemption from continuing competency requirements as mandated by KRS Chapter 12.

### Section 3. Incorporation by Reference.

(1) "Extension of Time for Completion of Continued Competency Form", June 2010, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable law, at the Kentucky Board of Physical Therapy, 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222, Monday through Friday, 8 a.m. to 4:30 p.m.

REBECCA KLUSCH, Executive Director

APPROVED BY AGENCY: January 19, 2012

FILED WITH LRC: February 14, 2012 at 8 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 27, 2012, at 4:00 p.m. (EST) at 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222. Individuals interested in being heard at this hearing shall notify this agency in writing five working days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until April 2, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Becky Klusch, Executive Director, Board of Physical Therapy, 312 Whittington Parkway, Suite 102, Louisville, Kentucky 40222, phone (502) 429-7140, fax (502) 429-7142.

### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Becky Klusch

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation assist in assuring safe and effective practices for the safety and welfare of the public by implementing continued competency.

(b) The necessity of this administrative regulation: This administrative regulation was necessary to implement provisions of KRS Chapter 327.040 (10).

(c) How this administrative regulation conforms to the content of the authorizing statutes: It provides the procedures for continued competency requirements.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: It provides the procedures for renewal requirements for credential holders.

(2) If this is an amendment to an existing administrative regula-

tion, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: To clarify the course approval process for continued competency requirements.

(b) The necessity of the amendment to this administrative regulation. The necessity is to clarify the course approval process for continued competency requirements.

(c) How the amendment conforms to the content of the authorizing statutes: The board is authorized to set standards for licensing and renewal procedures.

(d) How the amendment will assist in the effective administration of the statutes: By clarifying the requirements of continued competency.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Approximately 4800.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The credential holders are required to show competency during the biennial renewal period and the amendment clarifies those requirements.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question three: There will be no additional cost to the entities in question three.

(c) As a result of compliance, what benefits will accrue to the entities identified in question three: To add more approval courses.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no additional costs to the board.

(b) On a continuing basis: There will be no additional costs to the board.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Costs are minimal for implementing and enforcing this amendment and will be funded by licensure fees paid by licensees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This regulation does not change the fees directly or indirectly.

(9) TIERING: Is tiering applied? Tiering does not apply in this administrative regulation because the administrative regulation applies equally to all those individuals regulated by it.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Physical Therapy

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 327.040(10)

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties,

fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? None

(d) How much will it cost to administer this program for subsequent years? No new costs is anticipated

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

#### GENERAL GOVERNMENT CABINET Kentucky Board Of Social Work (Amendment)

#### 201 KAR 23:130. Definition of non-profit field service office.

RELATES TO: KRS 335.010

STATUTORY AUTHORITY: KRS[Chapter 13A,] 335.070

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation defines the term "nonprofit field service offices[office]" in applying the exemption contained in KRS 335.010(5).

Section 1.(1) For the purposes of KRS 335.010(5), the term "[other philanthropic and] nonprofit field service offices" shall mean:

(a) A charitable organization defined as tax exempt under Section 501 (c)(3) of the Internal Revenue Code.

1. The organization shall be organized and operated exclusively for the exemption purposes outlined in Section 501 (c)(3), and

2. None of its earnings shall inure to any private shareholder or person.

(b) A[a] nonprofit subsidiary branch office of a national or regional social service agency which has been certified or accredited by such national or regional organization and which meets specific guidelines and standards of said organization, including those organizations whose branch office is directed by a board representative of and accountable to the local community, with responsibility shared by the national or regional accrediting organization.

Section 2. Without limiting other organizations that may qualify for a national or regional social service agency, the following are examples of those who do qualify:

(1) Salvation Army;

(2) Family Service Association of America;

(3) Big Brothers/Big Sisters;

(4) Catholic Social Services; and

(5) American Red Cross.

SHARON SANDERS, Chair

APPROVED BY AGENCY: January 30, 2012

FILED WITH LRC: January 31, 2012 at 4 p.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 23, 2012 at 2:00 p.m., local time, at the Kentucky Board of Social Work, 44 Fountain Place, Frankfort, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing five (5) workdays prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until April 2, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Margaret Hazlette, Executive Director, Kentucky Board of Social Work, 44 Fountain Place, Frankfort, Ken-

tucky 40601, phone (502) 564-2350, fax (502) 696-8030.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Margaret Hazlette

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes that a charitable organization defined as tax exempt under Section 501 (c) (3) of the Internal Revenue Code is included in the exemptions under KRS 335.010(5).

(b) The necessity of this administrative regulation: This administrative regulation is necessary to set the requirements for the definition of nonprofit field service office

(c) How this administrative regulation conforms to the content of the authorizing statutes: This administrative will allow the board to further define the criteria for an exempt agency.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation concisely defines the term for exempt licensure status.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment will include all corporations that have nonprofit status under Section 501(c)(3) of the Internal Revenue Code within the exemption of KRS 335.010(5).

(b) The necessity of the amendment to this administrative regulation: This administrative regulation is necessary to clarify that all corporations that have nonprofit status under Section 501(c)(3) of the Internal Revenue Code within the exemption of KRS 335.010(5).

(c) How the amendment conforms to the content of the authorizing statutes: KRS 335.070 authorizes that board to promulgate regulations. This amendment will define the term nonprofit field service offices for the exemption set forth in KRS 335.010(5).

(d) How the amendment will assist in the effective administration of the statutes: This amendment will clarify the types of agencies whose employees are not required to become licensed by this board to engage in the practice of social work.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Corporations that have nonprofit status under Section 501(c)(3) of the Internal Revenue Code and their employees will be exempt from licensure under KRS 335.010(5).

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: None

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): None.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): This administrative regulation will aid the board in identifying entities that are exempt under KRS 335.010(5).

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: None

(b) On a continuing basis: None

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operation is funded by fees paid by the licensees and applicants.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change if it is an amendment: This administrative regulation amendment does not directly establish or increase fees.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation amendment does not directly establish or

increase fees.

(9) TIERING: Is tiering applied? No. The definition established by this administrative regulation will apply to any corporation that has nonprofit status under Section 501(c)(3) of the Internal Revenue Code whose employees are engaged in the practice of social work.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Social Work

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 335.010(5), KRS 335.030, and KRS 335.070(3).

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? None

(d) How much will it cost to administer this program for subsequent years? None

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

GENERAL GOVERNMENT CABINET  
Kentucky Board of Interpreters  
for the Deaf and Hard of Hearing  
(Amendment)

201 KAR 39:030. Application; qualifications for licensure; and certification levels.

RELATES TO: KRS 309.304(1), 309.312(1)(b)

STATUTORY AUTHORITY: KRS 309.304(3), 309.312(1)(b)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.304(3) and 309.312(1)(b) require the Kentucky Board of Interpreters for the Deaf and Hard of Hearing to promulgate an administrative regulation establishing the requirements for an applicant for licensure as an interpreter for the deaf and hard of hearing. This administrative regulation establishes these requirements.

[Section 1. Definition. "RID" means the Registry of Interpreters for the Deaf.] Section 1[2]. Application. Each applicant for a license shall submit:

(1) A completed "Application for Licensure" form to the board; and

(2) Pay the application and license fee as set forth in 201 KAR 39:040; and[-]

(3) Proof of valid certification:

a. at a level recognized by RID, with the exception of NAD III;

or

b. at EIPA level 3.5 and passage of the EIPA written if applying on or prior to July 1, 2014; or

c. TECUnit; or

d. Other certifications as described in 201 KAR 39:080 if applying for licensure via reciprocity.

Section 2: Incorporation by Reference "Application for License" 2011 is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leewood Drive, Frankfort, Kentucky 40601. Monday through Friday, 8 a.m. to 4:30 p.m. [Section 3. Certification Levels. In order to receive a license, an applicant shall submit with an application, proof of holding one (1) or more of the following certifications of competence or completion assessments:

(1) Current certification by the Registry of Interpreters for the Deaf in:

(a) Comprehensive Skills Certificate (CSC). Holders of this full certificate have demonstrated the ability to interpret between American Sign Language and Spoken English and to transcribe between spoken English and an English-based sign language;

(b) Certificate of Transcription (CT). Holders of this certificate are recognized as fully certified in transcription and have demonstrated the ability to transcribe between English-based sign language and spoken English in both sign-to-voice and voice-to-sign. The transcriber's ability to interpret is not considered in this certification;

(c) Certificate of Interpretation (CI). Holders of this certificate are recognized as fully certified in interpretation and have demonstrated the ability to interpret between American Sign Language and spoken English in both sign-to-voice and voice-to-sign. The interpreter's ability to transcribe is not considered in this certification;

(d) Interpreting Certificate/Transcription Certificate (IC/TC). Holders of this partial certificate demonstrated ability to transcribe between English and a signed code for English and the ability to interpret between American Sign Language and spoken English;

(e) Reverse Skills Certificate (RSC). Holders of this full certificate demonstrated the ability to interpret between American Sign Language and English-based sign language or transcribe between spoken English and a signed code for English. Holders of this certificate are deaf or hard-of-hearing and interpretation/transcription is rendered in American Sign Language, spoken English, a signed code for English or written English;

(f) Certified Deaf Interpreter (CDI). Holders of this certification are interpreters who are deaf or hard-of-hearing and who have demonstrated a minimum of one (1) year experience working as an interpreter, completion of at least eight (8) hours of training on the RID Code of Ethics, and eight (8) hours of training in general interpretation as it relates to the interpreter who is Deaf or Hard-of-Hearing;

(g) Certified Deaf Interpreter Provisional (CDI-P). Holders of this provisional certification are interpreters who are deaf or hard-of-hearing and who have demonstrated a minimum of one (1) year experience working as an interpreter, completion of at least eight (8) hours of training on the RID Code of Ethics, and eight (8) hours of training in general interpretation as it relates to the interpreter who is deaf or hard-of-hearing. Provisional certification is valid until one (1) year after the certified deaf interpreter written and performance test is available nationally. Provisional certificate holders shall take and pass the CDI examination in order to remain certified as a deaf interpreter;

(h) Oral Transcription Certificate (OTC). Holders of this generalist certificate have demonstrated ability to transcribe a spoken message from a person who hears to a person who is deaf or hard-of-hearing and the ability to understand and repeat the message and intent of the speech and mouth movements of the person who is deaf and hard-of-hearing;

(i) Interpretation Certificate (IC). Holders of this partial certificate demonstrated ability to interpret between American Sign Language and spoken English;

(j) Transcription Certificate (TC). Holders of this partial certificate demonstrated the ability to transcribe between spoken English and a signed code for English;

(k) Conditional Legal Interpreting Permit (CLIP). Holders of this conditional permit have completed a RID-recognized training program designed for interpreters and transcribers who work in legal settings. Generalist certification (CI and CT, or CSC) is required prior to enrollment in the training program. This permit is valid until

one (1) year after the specialist certificate: legal written and performance test is available nationally. CLIP holders shall take and pass the new legal certification examination in order to maintain certification in the specialty area of interpreting in legal settings. Holders of this conditional permit are recommended for a broad range of assignments in the legal setting;

(l) Conditional Legal Interpreting Permit-Relay (CLIP-R). Holders of this conditional permit have completed a RID-recognized training program designed for interpreters and transcribers who work in legal settings and who are also deaf or hard-of-hearing. Generalist certification for interpreters or transcribers who are deaf or hard-of-hearing (RSC or CDI-P) is required prior to enrollment in the training program. This permit is valid until one (1) year after the specialist certificate: legal written and performance test for deaf interpreters is available nationally. CLIP-R holders shall take and pass the new legal certification examination in order to maintain certification in the specialized area of interpreting in legal settings. Holders of this conditional permit are recommended for a broad range of assignments in the legal setting;

(m) Master Comprehensive Skills Certificate (MCSC). The MCSC examination was designed with the intent of testing for a higher standard of performance than the CSC. Holders of this certificate were required to hold the CSC prior to taking this exam. Holders of this certificate are recommended for a broad range of interpreting and transcribing assignments;

(n) Specialist Certificate: Legal (SC:L). Holders of this specialist certificate have demonstrated specialized knowledge of legal settings and greater familiarity with language used in the legal system. Generalist certification and documented training and experience is required prior to sitting for this exam. Holders of the SC:L are recommended for a broad range of assignments in the legal setting;

(o) Provisional Specialist Certificate: Legal (Prov. SC:L). Holders of this provisional certificate hold generalist certification and have completed RID-approved training required prior to sitting for the SC:L exam. This provisional certification is valid until one (1) year after the specialist certificate: legal written and performance test is available nationally. Holders of this certificate are recommended for assignments in the legal setting;

(p) Specialist Certificate: Performing Arts (SC:PA). Holders of this certificate were required to hold RID generalist certification (CSC) prior to sitting for this examination and have demonstrated specialized knowledge in performing arts interpretation. Holders of this certificate are recommended for a broad range of assignments in the performing arts setting;

(q) Oral Interpreting Certificate: Comprehensive (OIC:C). Holders of this generalist certificate demonstrated the ability to transcribe a spoken message from a person who hears to a person who is deaf or hard-of-hearing and the ability to understand and repeat the message and intent of the speech and mouth movements of the person who is deaf or hard-of-hearing;

(r) Oral Interpreting Certificate: Spoken to Visible (OIC:S/V). Holders of this partial certificate demonstrated the ability to transcribe a spoken message from a person who hears to a person who is deaf or hard-of-hearing. This individual received scores on the OIC:C examination which prevented the awarding of full OIC:C certification; or

(s) Oral Interpreting Certificate: Visible to Spoken (OIC:V/S). Holders of this partial certificate demonstrated ability to understand the speech and silent mouth movements of a person who is deaf or hard-of-hearing and to repeat the message for a hearing person. This individual received scores on the OIC:C examination which prevented the awarding of full OIC:C certification.

(2) Current certification by the National Association for the Deaf in:

(a) Level V Masters;

(b) Level IV Advanced; or

(c) CUED Speech -- National Training, Evaluation, and Certification Unit;

(3) Other certifications as described in 201 KAR 39:080 or as required by federal law.]

TIM OWENS, Board Chair

APPROVED BY AGENCY: February 10, 2012

## VOLUME 38, NUMBER 9 – MARCH 1, 2012

FILED WITH LRC: February 14, 2012 at 11 a.m.

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on March 22, 2012 at 9:00am (EST) at 911 Leawood Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until at the close of business on April 2, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Karen Lockett, Board Administrator, Kentucky Board of Interpreters for the Deaf and Hard of Hearing, PO Box 1370, Frankfort, Kentucky 40602, phone (502) 564-3296 ext. 222, fax (502) 696-1923.

### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michael West

(1) Provide a brief summary of

(a) What this administrative regulation does: This regulation establishes application requirements for one applying to be an interpreter.

(b) The necessity of this administrative regulation: This regulation is necessary to provide appropriate procedures for the application process for becoming a licensed interpreter.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by ensuring that prospective licensees have a clear understanding of the process for obtaining a license and requirements.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment streamlines the existing regulation to make requirements clearer to the prospective licensee.

(b) The necessity of the amendment to this administrative regulation: The necessity of amendment is to provide a clearer, more organized application process.

(c) How the amendment conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally related to the practice of interpreting.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will clarify the requirements for obtaining a license to potential licensees.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 300 full and temporarily licensed interpreters. This regulation only impacts those applying for initial licensure.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Prospective licensees will need to meet the requirements for licensure specified in the regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Possibly fees associated with the exam that the individual selects to become licensed and normal application and licensure

fees as established by regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The prospective licensees will have the opportunity to become license if they meet the requirements of the regulation.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No new costs will be incurred by the changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by licensees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees will be required to implement this administrative regulation amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish fees.

(9) TIERING: Is tiering applied? Tiering is not applied to this regulation.

### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Interpreters for the Deaf and Hard of Hearing

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 309.304(3)

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? None

(d) How much will it cost to administer this program for subsequent years? None

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

### GENERAL GOVERNMENT CABINET Kentucky Board of Interpreters for the Deaf and Hard of Hearing (Amendment)

#### 201 KAR 39:040. Fees.

RELATES TO: KRS 309.312(1)(a), (4), 309.314(1), (2), (4), (6)  
STATUTORY AUTHORITY: KRS 309.304(3), 309.314(1), (2),

(4)

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation is necessitated by KRS 309.304(3) and sets forth in detail all fees charged by the board.

Section 1. Fees for Licensure.[Application Fee.] (1) The application fee for initial licensure shall be fifty (50) dollars. This fee is

non-refundable.

(2) The initial licensure fee shall be 100 dollars. If the application for initial licensure is denied, the initial licensure fee may be refunded upon written request of the applicant.

(3) The annual renewal fee shall be seventy-five (75) dollars. Renewal fees shall not be refundable. (2) The application fee for initial temporary license shall be fifty (50) dollars.

(3) Application fees shall not be refundable.]

Section 2. Fees for Temporary Licensure. [Initial Licensure Fee.

(1) The initial licensure fee for licensure shall be \$100.] The application fee for initial temporary licensure shall be fifty (50) dollars. This fee is nonrefundable. The initial licensure fee for a temporary license shall be fifty (50) dollars. If the application for initial temporary licensure is denied, the initial licensure fee may be refunded upon written request of the applicant. The annual fee to maintain or extend a temporary license shall be fifty (50) dollars. This fee shall be nonrefundable. (3) If the initial licensure application is denied the initial licensure fee may be refunded upon written request of the applicant.

Section 3. Renewal and Extension Fees. (1) The annual renewal fee for licensure shall be seventy-five (75) dollars.

(2) The fee to extend a temporary license shall be fifty (50) dollars.

(3) Renewal fees and extension fees shall not be refundable.]

Section 3[4]. Late Renewal and Extension Fees. (1) All licenses renewed during the sixty (60) day grace period shall require payment of a late renewal fee of sixty (60) dollars in addition to the current renewal fee set forth in Section 1(3)[3] of this administrative regulation.

(2) All temporary licenses extended during the sixty (60) day grace period shall pay a late fee of thirty-five (35) dollars in addition to the current extension fee set forth in Section 2(3)[3] of this administrative regulation.

(3) Late renewal and extension fees shall not be refundable.

Section 4[5]. Reinstatement Fee. (1) The reinstatement fee for a license terminated pursuant to KRS 309.314(3) shall be \$125, in addition to the current renewal or extension fee as set forth in Section 1(3) or 2(3)[3] of this administrative regulation.

(2) The reinstatement fees shall not be refundable.

Section 5[6]. Fee for a Reciprocal License. (1) The fee for a reciprocal license shall be \$250.

(2) The reciprocal license fee shall not be refundable.

Section 6[7]. Duplicate License Fee. The fee for a duplicate license shall be ten (10) dollars.

TIM OWENS, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 22, 2012 at 9:00 a.m. (EST) at 911 Leawood Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until at the close of business on April 2, 2012. LRC Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Karen Lockett, Board Administrator, Kentucky Board of Interpreters for the Deaf and Hard of Hearing, PO Box 1370, Frankfort, Kentucky 40602, phone (502) 564-3296

ext. 222, fax (502) 696-1923.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michael West

(1) Provide a brief summary of

(a) What this administrative regulation does: This regulation establishes fees for licensure and temporary licensure as an interpreter.

(b) The necessity of this administrative regulation: This regulation is necessary to provide notice of fees for becoming a licensed interpreter.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally and charge licensure fees specifically.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by ensuring that the Board is properly funded to carry out its duties.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment streamlines the existing regulation to make requirements and fees clearer to the prospective licensee.

(b) The necessity of the amendment to this administrative regulation: The necessity of amendment is to provide a clearer presentation of fees charged.

(c) How the amendment conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally related to the practice of interpreting.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will clarify the fees for obtaining a license to potential licensees.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 300 full and temporarily licensed interpreters.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Prospective licensees will need to pay the appropriate fee as specified in the regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The fees as promulgated.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): They will have the opportunity to become licensed.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No new costs will be incurred by the changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by licensees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees will be required to implement this administrative regulation amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation established but does not change fees from their current level.

(9) TIERING: Is tiering applied? Tiering is not applied to this regulation.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Interpreters for the Deaf and Hard of Hearing

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 309.304(3)

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. The amount of the licensure fees multiplied by the number of licensees at that time.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The amount of the licensure fees multiplied by the number of licensees at that time.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The amount of the licensure fees multiplied by the number of licensees at that time.

(c) How much will it cost to administer this program for the first year? None

(d) How much will it cost to administer this program for subsequent years? None

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

**GENERAL GOVERNMENT CABINET**  
**Kentucky Board of Interpreters for the**  
**Deaf and Hard of Hearing**  
**(Amendment)**

**201 KAR 39:050. Renewal of licenses, [and] extension of temporary licenses and reinstatement.**

RELATES TO: KRS 309.304(5), 309.312, 309.314

STATUTORY AUTHORITY: KRS 309.304(3), 309.312, 309.314

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.314 establishes requirements for annual renewal of the license. KRS 309.312 establishes requirements for extension of temporary licenses. This administrative regulation sets forth that process in detail.

Section 1. [Definitions. (1) "CDI" means a Certified Deaf Interpreter.

(2) "EIPA" means Education Interpreter Performance Assessment.

(3) "ESSE: I" means Educational Signs Skills Evaluation: Interpreting.

(4) "ESSE: R" means Educational Signs Skills Evaluation: Receptive.

(5) "NAD" means National Association for the Deaf.

(6) "NIC" means National Interpreter Certification.

(7) "Nondegree applicant" means an individual who has either no degree or a degree other than an interpreter training program degree.

(8) "RID" means Registry of the Interpreters for the Deaf.

(9) "SCPI" means Sign Communication Proficiency Interview.

Section 2.] Renewal of Licenses. A person licensed as an in-

terpreter shall renew that license annually, as required by KRS 309.314(1) by submitting the following to the board:

(1) A completed "License Renewal Application" form;

(2) The renewal fee as established in 201 KAR 39:040[~~Section 3~~];

(3) Proof of current certification of the licensee as established in 201 KAR 39:030; and

(4) Documentation of completion of the continuing education requirement established in 201 KAR 39:090[~~Section 2(1)~~].

Section 2[3]. Grace Period. A license not renewed by July 1, may be renewed during the following sixty (60) day period, in accordance with KRS 309.314[~~(2)~~], by:

(1) Complying with the requirements established in Section 1 of this administrative regulation; and

(2) Submitting the late renewal fee established in 201 KAR 39:040, [Section 4(1)].

Section 3[4]. (1) Reinstatement. A license not renewed prior to the close of the sixty (60) day grace period, in accordance with KRS 309.314(4), may be reinstated upon:

(a) Payment of the renewal fee plus a reinstatement fee as established by 201 KAR 39:040, Section 4(1), [5(4)];

(b) Submission of a completed "License Reinstatement Application" or "Temporary License Reinstatement Application" Form to the board;

(c) Submission of evidence of completion of continuing education as required by 201 KAR 39:090, Section 10; and

(d) Completion of the requirements of Section 4 [5] of this administrative regulation.

(2) The board may in its discretion reinstate a temporary license if and only if the licensee submits proof sufficient to the Board of:

(a) Medical disability of the licensee;

(b) Illness of the licensee or an immediate family member;

(c) Death or serious injury of an immediate family member; or

(d) For good cause shown.

(3) A request for reinstatement of a temporary license involving medical disability or illness shall be:

(a) Submitted by the person holding a license; and

(b) Accompanied by a verifying document signed by a licensed physician.

Section 4[5]. Extensions of Temporary Licenses. To request an extension of a temporary license:

(1) A temporary licensee shall submit:

a. A completed "Temporary License Extension Application" form;

b. The appropriate fee set forth in 201 KAR 39:040;

c. Proof of completion of the continuing education requirements set forth in 201 KAR 39:090;

d. A letter recommending extension written by the Mentor(s) of Record for the previous licensure term which describes the progress achieved by the Mentee. The Board may waive this requirement upon submission of proof by the licensee that the licensee has substantially met the goals stated in the plan of supervision; and

e. A revised plan of supervision for the upcoming licensure year.

2. A deaf or hard of hearing temporary licensee shall submit:

a. Upon applying for a first, second, or third extension:

i. A completed "Temporary License Extension Application" form;

ii. The appropriate fee set forth in 201 KAR 39:040;

iii. Proof of completion of the continuing education requirements set forth in 201 KAR 39:090;

iv. A letter recommending extension written by the Mentor(s) of Record which describes the progress achieved by the Mentee. The Board may waive this requirement upon submission of proof by the licensee that the licensee has substantially met the goals stated in the plan of supervision; and

v. A revised plan of supervision for the upcoming licensure year.

b. Upon applying for a fourth and subsequent extensions:

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- i. All requirements listed in Section (a); and
- ii. Proof of passage of the RID CDI Knowledge Exam.

(3) The extensions of temporary licenses under this section are subject to the term limitations imposed by 201 KAR 39:070(2). [Effective July 1, 2007, an application for extension of a temporary license for 2007/2008 shall be classified as a first renewal and the applicant's first request for an extension. Subsequent requests for extension shall meet the requirements of subsection 1, 2, or 3 of this section. An applicant who comes into the system after July 1, 2007 shall meet the applicable requirements for the first request for an extension.

(1) Requirements for graduates of a nondegreed interpreter training program.

(a) A graduate of a baccalaureate or associate interpreter training program may apply on or before July 1, for a first extension of a temporary license by submitting:

1. A copy of the test results of either the RID written exam or the NIC written exam; or

2. Documentation of a valid NAD Level III certification.

(b) An extension shall be valid for one (1) year.

(c) In order to obtain a second one (1) year extension, a graduate shall submit, on or before July 1, proof that the graduate:

1. Has taken and passed either the RID written exam or NIC written exam; or

2. Holds a valid NAD III certification.

(d) In order to obtain a third and final one (1) year extension, a graduate shall submit, on or before July 1, proof that the graduate has taken either the RID performance exam or the NIC performance exam.

(e) An extension may be granted pending test results.

(2) Requirements for nondegreed applicants.

(a) NAD III or SCPI: advanced certified.

1. A nondegreed applicant who is either NAD III or SCPI: advanced certified and who interprets in both the community and a P-12 educational setting is entitled to a maximum of three (3) extensions.

2. To obtain the first extension, an applicant shall submit, on or before July 1, proof of:

a. Valid NAD III certification; or

b. Having passed the NIC or RID written exam.

3. To obtain a second extension, an applicant shall submit, on or before July 1, proof of:

a. Certification of NAD III or SCPI: advanced; and

b. Having taken either the RID or NIC performance exam.

4. To obtain a third and final extension, an applicant shall submit, on or before July 1, proof of:

a. NAD III certification; or

b. SCPI: advanced certification.

(b) Nondegreed applicants who are not NAD III certified and work in a P-12 educational setting.

1. In order to obtain a first extension, an applicant shall submit, on or before July 1, proof of:

a. An EIPA score of three and five tenths (3.5) or higher;

b. An ESSE: I score of four and zero tenths (4.0) or higher and an ESSE: R score of four and zero tenths (4.0) or higher;

c. SCPI: advanced certification; or

d. Test results of either the RID written exam or the NIC written exam.

2. In order to obtain a second extension, an applicant shall submit, on or before July 1, proof that the applicant has taken and passed the RID written exam or the NIC written exam.

3. In order to obtain a third and final extension, an applicant shall submit, on or before July 1, proof of having taken either the RID performance exam or the NIC performance exam.

(c) Deaf applicants interpreting in the community and a P-12 educational setting.

1. In order to obtain a first extension, a deaf applicant shall submit, on or before July 1, a copy of the test results of the CDI written exam.

2. In order to obtain a second extension, a deaf applicant shall submit, on or before July 1 of the fifth year following the first extension, proof of having passed the CDI written exam.

3. In order to obtain a third and final extension, a deaf applicant shall submit, on or before July 1 of the fifth year following the se-

cond extension, proof of having taken the CDI performance exam.

Section 6. To request an extension of a temporary license a licensee shall submit to the board:

(1) A completed "Temporary License Extension Application" Form;

(2) A report from a supervisor describing the progress achieved by the person who was supervised and a recommendation from the supervisor as to whether the license should be extended;

(3) Proof of completion of the continuing education requirements as set forth in 201 KAR 39:090;

(4) An explanation of the need for the extension request; and

(5) The fee set forth in 201 KAR 39:040, Section 4(2).]

Section 5[7]. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "License Renewal Application [2004]" 2011 form;

(b) "License Reinstatement Application [2004]" 2011 form; and

(c) "Temporary License Extension Application [Temporary License Extension, 2004]" 2011 form.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leewood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

TIM OWENS, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 22, 2012 at 9:00 a.m. (EST) at 911 Leewood Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until at the close of business on April 2, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Karen Lockett, Board Administrator, Kentucky Board of Interpreters for the Deaf and Hard of Hearing, PO Box 1370, Frankfort, Kentucky 40602, phone (502) 564-3296 ex. 222, fax (502) 696-1923

### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michael West

(1) Provide a brief summary of

(a) What this administrative regulation does: This regulation establishes renewal and extension requirements for interpreters.

(b) The necessity of this administrative regulation: This regulation is necessary to provide notice of the process for renewing or extending ones license to interpret and the associated requirements.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by ensuring that licensees are on notice of the requirements for renewal or extension of their licenses.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment streamlines the existing regulation to



make requirements clearer to the prospective licensee.

(b) The necessity of the amendment to this administrative regulation: The necessity of amendment is to provide a clearer presentation of the requirements.

(c) How the amendment conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally related to the practice of interpreting.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will clarify the fees for obtaining a license to potential licensees.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 300 full and temporarily licensed interpreters.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Licensees will need to meet the requirements for renewal or extensions of their licenses.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The fees as promulgated in 201 KAR 39:040 and any costs associated with testing as required. These costs have not changed as a result of this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): They will have the opportunity to have their license renewed or extended.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No new costs will be incurred by the changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by licensees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees will be required to implement this administrative regulation amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation established but does not change fees from their current level.

(9) TIERING: Is tiering applied? Tiering is not applied to this regulation.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Interpreters for the Deaf and Hard of Hearing

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 309.304(3)

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first

year? None

(d) How much will it cost to administer this program for subsequent years? None

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

#### GENERAL GOVERNMENT CABINET Kentucky Board of Interpreters for the Deaf and Hard of Hearing (Amendment)

#### 201 KAR 39:060. Reinstatement of license subject to disciplinary action.

RELATES TO: KRS 309.318

STATUTORY AUTHORITY: KRS 309.304(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.318 authorizes the board to discipline a licensee for violation of the statutes and administrative regulations governing the practice of interpreting. KRS 309.318(5) permits a person whose license has been revoked to apply for reinstatement after five (5) years. This administrative regulation establishes the requirements for reinstatement of a license that has been the subject of disciplinary action by the board.

~~Section 1.[Definition. "A license voluntarily surrendered as if revoked" means the process by which a person who holds a license issued by the board, knowingly and willingly, returns the license to the board, forfeiting all rights and privileges associated with that license, in settlement of a disciplinary action initiated by the board.~~

~~Section 2.] Reinstatement of a License Revoked by Disciplinary Action of the Board. (1) If a license has been revoked, an individual may apply for reinstatement by:~~

~~(a) Submitting a completed "License Reinstatement Application" Form;~~

~~(b) Paying the initial licensure fee as set forth in 201 KAR 39:040[; Section 2] and the reinstatement fee as set forth in 201 KAR 39:040[; Section 5];~~

~~(c) Submitting proof of qualification for licensure as set forth in 201 KAR 39:030[; Sections 3 and 4]; and~~

~~(d) Show evidence of completion of fifteen (15) hours of continuing education for each year since the date of revocation in accordance with the requirements established in 201 KAR 39:090[; Section 10(1)].~~

~~(2)(a) The board shall review the reinstatement request and determine whether to reinstate the license.~~

~~(b) Based upon the information submitted the board shall determine if the conditions for reinstatement listed in KRS 309.318(5) have been met.~~

~~(c) If the board finds that the conditions for reinstatement have been met, it shall reinstate the license.~~

~~(d) If the board finds that the conditions for reinstatement have not been met, or the applicant failed to comply with the requirements of this administrative regulation it shall refuse to reinstate the license. The applicant may then request, and the board shall grant a hearing on the denial conducted pursuant to KRS Chapter 13B.~~

Section 2[3]. Reinstatement of a License which was Voluntarily Surrendered as if Revoked. (1) If a license has been voluntarily surrendered as if revoked, an individual may apply for reinstatement by:

(a) Meeting of all of the requirements of Section 1(1)[2(4)] of this administrative regulation; and

(b) Providing documentation of the successful completion of all requirements established in the agreed order that resulted in the voluntary surrender of the license as if revoked.

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(2) For a request for reinstatement of a license voluntarily surrendered as if revoked, the board shall review the reinstatement request, make its determination, and provide for an appeal in accordance with Section 1(2)(a)[2(2)(a)] through (d) of this administrative regulation.

Section 3[4]. Incorporation by Reference. (1) "License Reinstatement Application" Form, 2011[2004], is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Board of Interpreters for the Deaf and Hard of Hearing, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday 8 a.m. to 4:30 p.m.

TIM OWENS, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 22, 2012 at 9:00 a.m. (EST) at 911 Leawood Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until the close of business on April 2, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Karen Lockett, Board Administrator, Kentucky Board of Interpreters for the Deaf and Hard of Hearing, PO Box 1370, Frankfort, Kentucky 40602, phone (502) 564-3296 ext. 222, fax (502) 696-1923.

### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michael West

(1) Provide a brief summary of

(a) What this administrative regulation does: This regulation creates a procedure for the reinstatement of a licensed terminated based on a previous disciplinary action.

(b) The necessity of this administrative regulation: This regulation provides a procedure for the reinstatement of a licensed terminated based on a previous disciplinary action.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board by creating a procedure for the reinstatement of a licensed terminated based on a previous disciplinary action.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment streamlines the existing regulation to make the procedure for the reinstatement of a licensed terminated based on a previous disciplinary action clearer to the prospective licensee.

(b) The necessity of the amendment to this administrative regulation: The necessity of amendment is to provide a clearer presentation of the procedure for the reinstatement of a licensed terminated based on a previous disciplinary action.

(c) How the amendment conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally related to the practice of interpreting.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will clarify the procedure for

the reinstatement of a licensed terminated based on a previous disciplinary action to potential licensees.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 300 full and temporarily licensed interpreters.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Prospective licensees will need to meet the requirements for reinstatement of their licenses.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The fees as promulgated in 201 KAR 39:040 and any costs associated with testing as required. These costs have not changed as a result of this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): They will have the opportunity to have their license reinstated if the requirements are met.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No new costs will be incurred by the changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by licensees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees will be required to implement this administrative regulation amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation established but does not change fees from their current level.

(9) TIERING: Is tiering applied? Tiering is not applied to this regulation.

### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Interpreters for the Deaf and Hard of Hearing

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 309.304(3)

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? None

(d) How much will it cost to administer this program for subsequent years? None

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

**GENERAL GOVERNMENT CABINET  
Kentucky Board of Interpreters  
for the Deaf and Hard of Hearing  
(Amendment)**

**201 KAR 39:070. Application and [.] qualifications[.] and certification levels] for temporary licensure.**

RELATES TO: KRS 309.312(1)(b), (3)

STATUTORY AUTHORITY: KRS 309.304(3), 309.312

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.304(3) and 309.312(1)(b) and (3) require the board to promulgate an administrative regulation establishing the requirements for an applicant for temporary licensure as an interpreter for the deaf and hard of hearing. This administrative regulation establishes the requirements regarding temporary licensure.

Section 1. [Definitions. (1) "Board-approved mentor" means a licensed interpreter:

(a) In this state or the resident of another state who can meet the requirements for licensure in this state as set forth in KRS Chapter 309 and the administrative regulations promulgated pursuant thereto;

(b) Who holds a valid certificate from the NAD Level IV or V, the RID, or the NAD-RID National Interpreter Certification (NIC) for a minimum of three (3) years prior to serving as a mentor; and

(c) Who has completed forty-five (45) hours of continuing education since obtaining certification.

(2) "NAD" means National Association for the Deaf.

(3) "RID" means Registry of the Interpreters for the Deaf.

(4) "SCPI" means Sign Communication Proficiency Interview.

Section 2. Application for Licensure. (1) Each applicant shall submit:

(a) A completed "Application for Licensure" Form;

(b) The appropriate application and licensure fees as required by 201 KAR 39:040 [Sections 1(2) and 2(2)];

(c) A "Plan of Supervision for a Temporary Licensee" from a board approved mentor; [and]

(d) Proof documenting passage of the NIC or EIPA Knowledge Exam. If the interpreter is deaf or hard of hearing, 18 hours of continuing education focused on CDI preparation may be obtained in lieu of this requirement; and [Certification of competence from the NAD in Level III Generalist.]

(e) Proof of achieving or holding one of the following:

1. Valid NAD Level III as a currently certified member; or

2. SCPI Advanced or Better; or

3. SLPI Advanced or Better; or

4. ASLPI of three and a half (3.5) or Better; or

5. EIPA of three (3.0) or Better.

Section 2. Temporary Licensure Duration. (1) Individuals may hold temporary licensure for a maximum of five (5) consecutive licensure years from the date of initial issuance.

(2) Individuals who are deaf or hard of hearing may hold temporary licensure for a maximum of ten (10) consecutive licensure years from the date of initial issuance.

(3) Any reinstatement or extension of a temporary license must occur within the duration of the cap.

[(2) A deaf or hard of hearing applicant shall submit:

(a) SCPI - advanced plus certification or an American Sign Language Proficiency Interview (ASLPI) score of four (4) or better;

(b) Certificate or proof of a minimum of eight (8) hours of RID-approved training on the role and function of the deaf interpreter; and

(c) Certificate or proof of a minimum of eight (8) hours of RID-approved training on the NAD-RID code of professional conduct or RID code of ethics.

(3) In lieu of the certification required in subsection (1)(d) of this section, an applicant working in a P-12 educational setting may submit proof of successful completion of the:

(a) SCPI - intermediate plus level or above; or

(b) Educational Interpreter Performance Assessment (EIPA) with a score of three and zero tenths (3.0) or above; or

(c) Educational Sign Skills Evaluation: Interpreting (ESSE: I) with a score of 3.5 - 3.9 and Educational Sign Skills Evaluation: Receptive (ESSE: R) with a score of 3.5 - 3.9;

(d) Eight (8) hours training on the role and function of an interpreter; and

(e) Certificate or proof of a minimum of eight (8) hours of ethics-related training.

(4) In lieu of the certification required in subsection (1)(d) of this section, an applicant working in a community setting shall submit proof of:

(a) 1. SCPI - advanced or above; or

2. American Sign Language Proficiency Interview score of four and zero tenths (4.0) or better; and

(b) Eight (8) hours of training on the role and function of an interpreter; and

(c) Certificate or proof of a minimum of eight (8) hours of ethics-related training.]

Section 3. Supervision Requirements. (1) Each applicant for a temporary license shall be trained and supervised by a board approved mentor.

(2) During the period of training and supervision the mentor shall meet with each licensee on a quarterly basis. One (1) of these meetings shall be on a face-to-face basis with each person being mentored. The remaining meetings may be through the use of video or video teleconferencing or any other method outlined in the approved plan of supervision.

(3) A mentor shall contract with no more than twenty (20) temporary licensees during a calendar year.

Section 4. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Plan of Supervision for[a] Temporary License[e]" 2011 [2004].

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leewood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

TIM OWENS, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 22, 2012 at 9:00 a.m. (EST) at 911 Leewood Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until at the close of business on April 2, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Karen Lockett, Board Administrator, Kentucky Board of Interpreters for the Deaf and Hard of Hearing, PO Box 1370, Frankfort, Kentucky 40602, phone (502) 564-3296 ext. 222, fax (502) 696-1923.

**REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT**

Contact Person: Michael West

(1) Provide a brief summary of

(a) What this administrative regulation does: This regulation creates application requirements for initial temporary licensure.

(b) The necessity of this administrative regulation: This regulation provides a procedure for obtaining and requirements for obtaining an initial temporary license.

(c) How this administrative regulation conforms to the content

of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board by creating a procedure for obtaining a temporary license.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment streamlines the existing regulation to make the procedure for obtaining a temporary license clearer to the prospective licensee.

(b) The necessity of the amendment to this administrative regulation: The necessity of amendment is to provide a clearer process for obtaining temporary licensure.

(c) How the amendment conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally related to the practice of interpreting.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will clarify the procedure for obtaining temporary licensure.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 300 full and temporarily licensed interpreters. This regulation only impacts those applying for initial temporary licensure.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Prospective temporary licensees will need to meet the requirements for licensure.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The fees as promulgated in 201 KAR 39:040 and any costs associated with testing as required. These costs have not changed as a result of this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): They will have the opportunity to obtain temporary licensure if they meet the stated requirements.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No new costs will be incurred by the changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by licensees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees will be required to implement this administrative regulation amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation established but does not change fees from their current level.

(9) TIERING: Is tiering applied? Tiering is not applied to this regulation.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Interpreters for the Deaf and Hard of Hearing

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative

regulation: KRS 309.304(3)

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? None

(d) How much will it cost to administer this program for subsequent years? None

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

#### GENERAL GOVERNMENT CABINET Kentucky Board of Interpreters for the Deaf and Hard of Hearing (Amendment)

#### 201 KAR 39:080. Reciprocity.

RELATES TO: KRS 309.304(1), 309.312(4)

STATUTORY AUTHORITY: KRS 309.304(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.312(4) requires the board to promulgate an administrative regulation governing the granting of a license through reciprocity. This administrative regulation establishes the requirements for licensure by reciprocity.

Section 1. An applicant for licensure by reciprocity shall:

(1) Hold a current, valid license in good standing to practice interpreting which has been granted by at least one (1) state, U.S. Territory, or the District of Columbia, or a Canadian province, which maintains an interpreter registration board;

(2) The standards or requirements for having granted that license shall meet or exceed the licensure requirements contained in KRS Chapter 309 and the accompanying administrative regulations;

(3) Not have a report of disciplinary action pending in another state or province; and

(4) Submit the reciprocity fee as set forth in 201 KAR 39:040[~~Section 7~~].

TIM OWENS, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 22, 2012 at 9:00 a.m. (EST) at 911 Leewood Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until the close of business on April 2, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Karen Lockett, Board Administrator,

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Kentucky Board of Interpreters for the Deaf and Hard of Hearing,  
PO Box 1370, Frankfort, Kentucky 40602, phone (502) 564-3296  
ext. 222, fax (502) 696-1923.

### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michael West

(1) Provide a brief summary of

(a) What this administrative regulation does: This regulation sets requirements for obtaining a license to interpret through reciprocity.

(b) The necessity of this administrative regulation: This regulation sets requirements for obtaining a license to interpret through reciprocity.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation sets requirements for obtaining a license to interpret through reciprocity.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment clarifies existing procedures and requirements.

(b) The necessity of the amendment to this administrative regulation: This amendment clarifies existing procedures and requirements.

(c) How the amendment conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally related to the practice of interpreting.

(d) How the amendment will assist in the effective administration of the statutes: This amendment clarifies existing procedures and requirements.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 300 full and temporarily licensed interpreters. This regulation only impacts those applying for initial temporary licensure.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Prospective licensees will need to meet the requirements for licensure.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The fees as promulgated in 201 KAR 39:040 and any costs associated with testing as required. These costs have not changed as a result of this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): They will have the opportunity to obtain licensure by reciprocity if they meet the stated requirements.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No new costs will be incurred by the changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by licensees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees will be required to implement this administrative regulation amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation established but does not change fees from their current level.

(9) TIERING: Is tiering applied? Tiering is not applied to this regulation.

### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Interpreters for the Deaf and Hard of Hearing

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 309.304(3)

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? None

(d) How much will it cost to administer this program for subsequent years? None

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

### GENERAL GOVERNMENT CABINET Kentucky Board of Interpreters for the Deaf and Hard of Hearing (Amendment)

#### 201 KAR 39:090. Continuing education requirements.

RELATES TO: KRS 309.304(5)

STATUTORY AUTHORITY: KRS 309.304(3), 309.314(7)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.314(7) authorizes the board to promulgate an administrative regulation that requires interpreters who apply for renewal or reinstatement to show evidence of completion of continuing education. This administrative regulation delineates the requirements for continuing education and prescribes methods and standards for the accreditation of continuing education courses.

~~Section 1.[Definition. "One (1) continuing education hour" means sixty (60) contact minutes of participating in continuing education experiences.~~

~~Section 2.]~~ Accrual of Continuing Education Hours Mandatory for Full Licensure; Computation of Accrual. (1) A person who is licensed as an interpreter shall have earned a total of fifteen (15) hours of approved continuing education during the compliance period, prior to renewal of his or her license for the next licensure period.

(2) A minimum of half of the fifteen (15) hours shall be from any of the following sources, alone or in combination~~[- which have been preapproved by the board]:~~

(a) Alexander Graham Bell Association of the Deaf;

(b) American Sign Language Teacher Association;

(c) National Association of the Deaf;

(d) National Educational Interpreters Conference;

(e) Registry of Interpreters for the Deaf - Certificate Maintenance Program; or

(f) Registry of Interpreters for the Deaf - Associate Continuing Education Training.

(3) A minimum of fifteen (15) continuing education hours shall be accrued by each licensee during the licensure period for renewal for the following year.

(4) A minimum of three (3) total continuing education hours shall be related to ethics.

Section 2[3]. Accrual of Continuing Education Hours Mandatory for Temporary Licensure; Computation of Accrual. (1) A person who holds a temporary license as an interpreter shall have earned a total of eighteen (18) hours of approved continuing education during the compliance period, prior to renewal or extension of his or her license for the next licensure period.

(2) A minimum of seven and one-half (7.5) of the eighteen (18) hours shall be from any of the following sources, alone or in combination, ~~which have been preapproved by the board~~;

- (a) Alexander Graham Bell Association for the Deaf;
- (b) American Sign Language Teacher Association;
- (c) National Association of the Deaf;
- (d) National Educational Interpreters Conference;

(e) Registry of Interpreters for the Deaf - Certificated Maintenance Program; or

(f) Registry of Interpreters for the Deaf - Associate Continuing Education Training.

(3) A minimum of three (3) total continuing hours shall be related to ethics.

Section 3[4]. Methods of Acquiring Continuing Education Hours. Continuing education hours applicable to the renewal of the license shall be directly related to the professional growth and development of an interpreter. The hours shall be earned by completing any of the following educational activities:

(1) Programs not requiring board review and approval. An educational program from any of the following providers shall be deemed to be relevant to the practice of interpreting and shall be approved without further review by the board:

- (a) A program sponsored or approved by the:
  - 1. Alexander Graham Bell Association of the Deaf;
  - 2. American Sign Language Teacher Association;
  - 3. National Association of the Deaf; or
  - 4. Registry of Interpreters for the Deaf; or

(b) An academic course offered by an accredited postsecondary institution that is directly related to interpreting. Credit shall only be granted for grades of "C" or above.

(2) Programs requiring board review and approval. A program from any of the following sources shall be reviewed and determined if the program is relevant and therefore subsequently approved by the board:

(a) Relevant programs, including home study courses and in-service training provided by other organizations, educational institutions, or other service providers approved by the board;

(b) Relevant programs or academic courses presented by the licensee. Presenters of relevant programs or academic courses may earn full continuing education credit for each contact hour of instruction, not to exceed three (3) hours of continuing education credits. Credit shall not be issued for repeated presentation of the same course.

(c) Authoring an article in a relevant, professionally-recognized, or juried publication. Credit shall not be granted for an article unless the article was published within the one (1) year period immediately preceding the renewal date. A licensee shall earn three (3) hours of continuing education credit toward the hours required for renewal. No more than one (1) publication shall be counted during a renewal period.

(d) A general education course, elective course, or a course designed to meet degree requirements offered by an accredited postsecondary institution. Academic credit equivalency for continuing education hours shall be based on one (1) credit hour equals 10 continuing education hours~~[one (1) continuing education hour]~~. Credit shall only be granted for grades of "C" or above.

Section 4[5]. Procedures for Preapproval of Continuing Education Sponsors and Programs. (1) Any entity seeking to obtain ap-

proval of a continuing education program prior to its offering shall complete and submit the "Application for Continuing Education Program Approval" form to the board at least sixty (60) days in advance of the commencement of the program, stating the following:

(a) A published course or similar description containing educational objectives;

(b) Names and qualifications of the instructors;

(c) A copy of the program agenda indicating hours of instruction, coffee and lunch breaks; and

(d) Number of continuing education hours offered;and

~~(e) Official certificate of completion or college transcript from the sponsoring agency or college.]~~

(2) A continuing education activity shall be qualified for approval if the board determines the activity being offered:

(a) Is an organized program of learning;

(b) Pertains to subject matters, which integrally relate to the practice of interpreting;

(c) Contributes to the professional competency of the licensee; and

(d) Is conducted by individuals who have educational training or experience acceptable to the board.

(3) A sponsor of continuing education requiring board approval shall be responsible for submitting a course offering to the board for review and approval before listing or advertising that offering as approved by the board.

Section 5[6]. Responsibilities and Reporting Requirements of Licensees. A licensee shall be responsible for obtaining the required continuing education hours. He shall identify his own continuing education needs, take the initiative in seeking continuing education activities to meet these needs, and seek ways to integrate new knowledge, skills and attitudes. Each person holding a license shall:

(1) Select approved activities by which to earn continuing education hours;

(2) Submit to the board when applicable a request for approval for continuing education activities not approved by the board as set forth in Section 7 of this administrative regulation;

(3) Maintain records of continuing education hours. Each licensee shall maintain all documentation verifying successful completion of continuing education hours for a period of two (2) years from the date of renewal. During each licensure renewal period, up to fifteen (15) percent of all licensees, chosen at random, shall be required by the board to furnish documentation of the completion of the appropriate number of continuing education hours for the current renewal period. Verification of continuing education hours shall not be otherwise reported to the board;

(4) Document attendance and participation in a continuing education activity in the form of official documents including transcripts, certificates, affidavits signed by instructors, receipts for fees paid to the sponsor, or less formal evidence including written summaries of experience that are not otherwise formally or officially documented in any way. The type of documentation required shall vary depending on the specific activity submitted to the board for approval; and

(5) Fully comply with the provisions of this administrative regulation. Failure to comply shall constitute a violation of KRS 309.318(1)(e) and may result in the refusal to renew, suspension, or revocation of the licensure.

Section 6[7]. Procedures for Approval of Continuing Education Programs. A course, which has not been preapproved by the board, may be used for continuing education if approval is secured from the board for the course. In order for the board to adequately review a program, the following information shall be submitted:

(1) A published course or similar description containing educational objectives; and

(2) Names and qualifications of the instructors.

Section 7[8]. Carry Over of Continuing Education Hours. A licensee may carry over continuing education hours earned in excess of those required under Section 1[2] of this administrative regulation for one (1) renewal period, after which time they expire.

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All carry-over hours shall comply with the requirements of Sections 1[2] through 3[4] of this administrative regulation.

Section 8[9]. Board to Approve Continuing Education Hours; Appeal when Approval Denied. In the event of a denial, in whole or in part, of any application for approval of continuing education hours, the licensee shall have the right to request reconsideration by the board of its decision. The request shall be in writing, specifically stating the reasons for reconsideration, and shall be received by the board within thirty (30) days of the board's decision denying approval of continuing education hours.

Section 9[40]. Waiver or Extensions of Continuing Education. All requests for waiver or extension shall accompany the "License Renewal Application Form". (1) Upon written request, the board shall consider whether to grant a waiver of continuing education requirements or an extension of time within which to fulfill the requirements, in the following cases:

- (a) Medical disability of the licensee;
- (b) Illness of the licensee or an immediate family member;
- (c) Death or serious injury of an immediate family member; or
- (d) For good cause shown.

(2) A written request for a waiver or extension of time involving medical disability or illness shall be:

- (a) Submitted by the person holding a license; and
- (b) Accompanied by a verifying document signed by a licensed physician.

(3) A request for a waiver or extension of the continuing education requirements applies only to the current licensure year.

(a) Subsequent requests for waiver or extension of the continuing education requirements shall be made at the time of licensure renewal.

(b) There shall be no limit to the number of waivers or extensions that the board may grant, as long as the applicant meets the requirements set forth in subsections (1) and (2) of this section.

Section 10[44]. Continuing Education Requirements for Reinstatement of License. (1) A person requesting reinstatement of licensure shall submit evidence of completion of required hours of continuing education within the twelve (12) month period immediately preceding the date on which the request for reinstatement is submitted to the board.

(2) If the person seeking reinstatement does not meet the requirements established in subsection (1) of this section, the board may conditionally reinstate licensure, requiring the applicant to obtain required hours of continuing education within six (6) months of the date on which licensure is reinstated.

(3) The continuing education hours received in compliance with this section for reinstatement shall be in addition to the regular continuing education requirements established in Section 1 of this administrative regulation and shall not be used to comply with the requirements of that section.

Section 11[42]. Incorporation by Reference. (1) "Application for Continuing Education Program Approval[Application]", 2011[2004] form is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

TIM OWENS, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 22, 2012 at 9:00am (EST) at 911 Leawood Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not

be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until at the close of business on April 2, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Karen Lockett, Board Administrator, Kentucky Board of Interpreters for the Deaf and Hard of Hearing, PO Box 1370, Frankfort, Kentucky 40602, phone (502) 564-3296 ext. 222, fax (502) 696-1923.

### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michael West

(1) Provide a brief summary of

(a) What this administrative regulation does: This regulation sets requirements for approval of continuing education courses and sets licensee requirements for acceptable continuing education.

(b) The necessity of this administrative regulation: This regulation sets requirements for approval of continuing education courses and sets licensee requirements for acceptable continuing education.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation sets requirements for approval of continuing education courses and sets licensee requirements for acceptable continuing education.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment clarifies existing procedures and requirements.

(b) The necessity of the amendment to this administrative regulation: This amendment clarifies existing procedures and requirements.

(c) How the amendment conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally related to the practice of interpreting.

(d) How the amendment will assist in the effective administration of the statutes: This amendment clarifies existing procedures and requirements.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 300 full and temporarily licensed interpreters. This regulation only impacts those applying for initial temporary licensure.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Licensees will need to meet the requirements for renewal of licensure.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The fees as promulgated in 201 KAR 39:040 and any costs associated with testing or education as required. These costs have not changed as a result of this amendment.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): They will have the opportunity to renew their license if they meet the stated requirements.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No new costs will be incurred by the changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by licensees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees will be required to implement this administrative regulation amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation established but does not change fees from their current level.

(9) TIERING: Is tiering applied? Tiering is not applied to this regulation.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Interpreters for the Deaf and Hard of Hearing

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 309.304(3)

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? None

(d) How much will it cost to administer this program for subsequent years? None

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

#### GENERAL GOVERNMENT CABINET Kentucky Board of Interpreters for the Deaf and Hard of Hearing (Amendment)

#### 201 KAR 39:100. Complaint procedure.

RELATES TO: KRS 309.304(7), 309.316, 309.318

STATUTORY AUTHORITY: KRS 309.304(3), 309.316(2)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.316(2) authorizes the board to establish procedures for receiving and investigating complaints. KRS 309.318 delineates the causes for which disciplinary action may be taken against a licensee. This administrative regulation establishes procedures for the filing, evaluation, and disposition of administrative complaints.

Section 1. [Definitions. (1) "Case manager" means a member of the board appointed by the chair of the board to review complaints, investigative reports, and to participate in informal proceedings to resolve a formal complaint.

(2) "Chair" means the chair or vice chair of the board.

(3) "Charge" means a specific allegation contained in a formal complaint, as established in subsection (5) of this section, issued by the board alleging a violation of a specified provision of KRS 309.300 to 309.319, the administrative regulations promulgated

thereunder, or any other state or federal statute or regulation.

(4) "Complaint" means any written or videotaped allegation of misconduct by a licensed individual that might constitute a violation of KRS 309.300 to 309.319, the administrative regulations promulgated thereunder, or any state or federal statute regulating the practice of interpreting.

(5) "Complaint screening committee" means a committee consisting of three (3) persons on the board appointed by the chairman of the board to review complaints, investigative reports, and to participate in informal proceedings to resolve a formal complaint made up of board members, the executive director of the board, or another staff member.

(6) "Formal complaint" means a formal administrative pleading authorized by the board which sets forth charges against a licensed individual or other person and commences a formal disciplinary proceeding pursuant to KRS Chapter 13B or requests the court to take criminal or civil action.

(7) "Informal proceedings" means the proceedings instituted at any stage of the disciplinary process with the intent of reaching a dispensation of any matter without further recourse to formal disciplinary procedures under KRS Chapter 13B.

(8) "Investigator" means an individual designated by the board to assist the board in the investigation of a complaint or an investigator employed by the Attorney General or the board.]

#### Section 2. Receipt of Complaints. (1) A complaint:

(a) May be submitted by an:

1. Individual;
2. Organization; or
3. Entity.

(b) Shall be:

1. In writing or contained on a videotape or digital media; and
2. Include[Contain] the signature or stated name, address, and telephone or videophone number of the person submitting the complaint; and

(c) May be filed by the board or board member based upon information in its possession.

(2)[A videotaped complaint shall be accompanied by a form provided by the board.

(3)] Upon receipt of the complaint a copy of the complaint shall be sent to the licensee named in the complaint along with a request for the licensee's response to the complaint. The individual shall be allowed a period of twenty (20) days from the date of receipt to submit a written, videotaped or other digital media response.

Section 2[3]. Initial Review. (1) After the receipt of a complaint and the expiration of the period for the licensee's response, the case manager or the complaint screening committee shall consider the complaint, the licensee's response, and any other relevant material available and make a recommendation to the board. The board shall determine whether there is enough evidence to warrant a formal investigation of the complaint.

(2) If the board determines before formal investigation that a complaint is without merit, it shall:

- (a) Dismiss the complaint; and
- (b) Notify the complainant and licensee of the board's decision.

(3) If the board determines that a complaint warrants a formal investigation, it shall:

- (a) Authorize an investigation into the matter; and
- (b) Order a report to be made to the case manager or the complaint screening committee at the earliest opportunity.

Section 3[4]. Results of Formal Investigation; Board Decision on Hearing. (1) Upon completion of the formal investigation, the investigator shall submit a written report to the case manager or the complaint screening committee of the facts regarding the complaint. The case manager or the complaint screening committee shall review the investigative report and make a recommendation to the board. The board shall determine whether there has been a prima facie violation of KRS 309.300 to 309.319 or the administrative regulations promulgated thereunder and if a formal complaint should be filed.

(2) If the board determines that a complaint does not warrant



issuance of a formal complaint, it shall:

- (a) Dismiss the complaint; and
- (b) Notify the complainant and respondent of the board's decision.

(3) If the board determines that a violation has occurred but is not serious, the board may issue a written admonishment to the licensee in accordance with KRS 309.316(4).

(4) If the board determines that a complaint warrants the issuance of a formal complaint against a respondent, the board attorney in conjunction with the case manager or the complaint screening committee shall prepare a formal complaint which states clearly the charge or charges to be considered at the hearing. The formal complaint shall be reviewed by the board and, if approved, signed by the chairman and served upon the individual as required by KRS Chapter 13B.

(5) If the board determines that a person may be in violation of KRS 309.301(1), it shall:

- (a) Order the individual to cease and desist from further violations of KRS 309.301(1);
- (b) Forward information to the county attorney of the county of residence of the person allegedly violating KRS 309.301(1) with a request that appropriate action be taken under KRS 309.319; or
- (c) Initiate action in Franklin Circuit Court for injunctive relief to stop the violation of KRS 309.301(1) pursuant to KRS 309.304(7).

Section 4[5]. Settlement by Informal Proceedings. (1) The board through counsel and the case manager or the complaint screening committee may, at any time during this process, enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter.

(2) An agreed order or settlement reached through this process shall be approved by the board and signed by the individual who is the subject of the complaint and the chairman.

(3) The board may employ mediation as a method of resolving the matter informally.

Section 5[6]. Notice and Service of Process. A notice required by KRS 309.300 to 309.319 or this administrative regulation shall be issued pursuant to KRS Chapter 13B.

Section 6[7]. Notification. The board shall make public:

(1) Its final order in a disciplinary action under KRS 309.316(3) [with the exception of a written admonishment issued pursuant to Section 4(3) of this administrative regulation]; and

(2) An action to restrain or enjoin a violation of KRS 309.301(1).

Section 7[8]. Incorporation by Reference. (1) "Complaint Form," 2011[2004] is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

TIM OWENS, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 22, 2012 at 9:00 a.m. (EST) at 911 Leawood Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until at the close of business on April 2, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Karen Lockett, Board Administrator, Kentucky Board of Interpreters for the Deaf and Hard of Hearing, PO Box 1370, Frankfort, Kentucky 40602, phone (502) 564-3296 ext. 222, fax (502) 696-1923.

#### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michael West

(1) Provide a brief summary of

(a) What this administrative regulation does: This regulation creates the procedure for filing a disciplinary complaint with the Board and sets the disciplinary process utilized by the Board.

(b) The necessity of this administrative regulation: This regulation creates the procedure for filing a disciplinary complaint with the Board and sets the disciplinary process utilized by the Board.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation creates the procedure for filing a disciplinary complaint with the Board and sets the disciplinary process utilized by the Board.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment clarifies existing procedures and requirements and increases transparency of Board actions.

(b) The necessity of the amendment to this administrative regulation: This amendment clarifies existing procedures and requirements and increases transparency of Board actions.

(c) How the amendment conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally related to the practice of interpreting.

(d) How the amendment will assist in the effective administration of the statutes: This amendment clarifies existing procedures and requirements and increases transparency of Board actions.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 300 full and temporarily licensed interpreters. This regulation only impacts those applying for initial temporary licensure.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Aggrieved parties or members of the public will submit complaints in the same way that those complaints have been submitted.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): None

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The profession will be stronger through the discipline of bad actors.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No new costs will be incurred by the changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by licensees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees will be required to implement this administrative regulation amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation established but does not change fees from their current level.

(9) TIERING: Is tiering applied? Tiering is not applied to this regulation.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Interpreters for the Deaf and Hard of Hearing

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 309.304(3)

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? None

(d) How much will it cost to administer this program for subsequent years? None

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

#### GENERAL GOVERNMENT CABINET Kentucky Board of Interpreters for the Deaf and Hard of Hearing (Amendment)

#### 201 KAR 39:120. Code of ethics.

RELATES TO: KRS 309.304(3), 309.318(1)(e), (f)

STATUTORY AUTHORITY: KRS 309.304(3), 309.318(1)(f)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.318(1)(e) and (f) authorizes the board to take disciplinary action against a licensee who violates any state statute or administrative regulation governing the practice of interpreting or violates the code of ethics, known as the Professional Code of Conduct, of the licensees' national certifying organization(s) [of the national organization]. This administrative regulation establishes the code of ethics in accordance with KRS 309.318(1)(f).

Section 1. A license shall abide by the following standards of professional and ethical conduct:

(1) A licensee shall keep all assignment-related information strictly confidential. From the moment of accepting the assignment, the interpreter holds a trustworthy relationship with the consumer, in which the interpreter is bound to confidentiality.

(a) All information obtained from the interpreter service shall be considered confidential. This applies whether the interpreter accepts or declines the assignment.

(b) All information about a consumer that is received from other interpreters shall be considered confidential and shall be exchanged in a manner which protects both the consumer and the assignment.

(c) The interpreter shall comply with the requirements of KRS 620.030 by reporting to the proper authorities the dependency, neglect or abuse of a child if the interpreter reasonably believes that the dependency, neglect or abuse of a child is ongoing or has occurred.

(2) A licensee shall faithfully convey the content and spirit of the speaker using language most readily understood by the persons whom they serve. Every interpretation shall be faithful to the message of the source text. A faithful interpretation should not be confused with a literal interpretation. The fidelity of an interpretation includes an adaptation to make the form, the tone, and the deeper meaning of the source text felt in the target language and culture.

(3) A licensee shall possess the knowledge and skills to support accurate and appropriate interpretation. A licensee works in a variety of settings and with a wide range of consumers and therefore shall be adept at meeting the linguistic needs of consumers, the cultural dynamics of each situation, and the spirit and content of the discourse.

(4) A licensee shall not counsel, advise or interject personal opinions.

(a) An interpreter shall remain neutral, impartial, and objective. Should the interpreter find himself or herself unable to put aside personal biases or reactions which threaten impartiality, the interpreter is under an obligation to examine options and take actions to remedy the situation.

(b) An interpreter shall refrain from altering a message for political, religious, moral, or philosophical reasons, or for any other biased or subjective considerations.

(c) The interpreter shall advise the consumer that he or she assumes a position of neutrality in the relationship between all parties during an interpreting assignment. The interpreter shall not become personally involved in regards to the issues or persons present at the interpreting assignment.

(5) A licensee shall accept assignments using discretion with regard to skill, setting, and the consumers involved.

(a) An interpreter shall recognize the need for a deaf interpreter and advocate their participation as part of the interpreting team. A deaf interpreter may be necessary when working with individuals who use regional sign dialects, nonstandard signs, foreign sign languages, and those with emerging language use.

(b) An interpreter shall generally refrain from providing services in situations where family members, personal or business associations may affect impartiality. In an emergency situation, an interpreter may provide services for family members, friends or business associates. In those situations, the interpreter shall guard against allowing his personal involvement to affect his ability to interpret impartially. If the interpreter finds that he or she can no longer be impartial, the interpreter shall inform the parties involved and may assist in finding another interpreter.

(6) Prior to accepting an engagement for services, a licensee shall advise the party responsible for payment of the services to be provided of the amount of compensation to be charged for the services.

(7) A licensee shall not advertise his or her services in a false, deceptive or misleading manner.

(8) A licensee shall function in a manner appropriate to the situation. An interpreter shall attempt to become familiar with the anticipated discussion topic, type of activity, level of formality, expected behaviors, and possible presentational materials prior to commencement of the assignment.

(9) Each licensee shall strictly adhere to the parameters set forth by RID specific to the certification or certifications awarded which address appropriate conduct for a particular situation and setting.

Section 2. In addition to the standards delineated in Section 1, a licensee shall abide by the code of ethics or code of professional conduct for their respective certification(s).

TIM OWENS, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 22, 2012 at 9:00 a.m. (EST) at 911 Leewood Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled.

This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until at the close of business on April 2, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Karen Lockett, Board Administrator, Kentucky Board of Interpreters for the Deaf and Hard of Hearing, PO Box 1370, Frankfort, Kentucky 40602, phone (502) 564-3296 ext. 222, fax (502) 696-1923.

#### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michael West

- (1) Provide a brief summary of
  - (a) What this administrative regulation does: This regulation creates a code of conduct for interpreters.
  - (b) The necessity of this administrative regulation: This regulation creates a code of conduct for interpreters.
  - (c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.
  - (d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation creates a code of conduct for interpreters.
- (2) If this is an amendment to an existing administrative regulation, provide a brief summary of:
  - (a) How the amendment will change this existing administrative regulation: This amendment strengthens ethical standards by requiring licensees to meet the standards of their national certifying body in addition to those of the Board.
  - (b) The necessity of the amendment to this administrative regulation: This amendment strengthens ethical standards by requiring licensees to meet the standards of their national certifying body in addition to those of the Board.
  - (c) How the amendment conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally related to the practice of interpreting.
  - (d) How the amendment will assist in the effective administration of the statutes: This amendment strengthens ethical standards by requiring licensees to meet the standards of their national certifying body in addition to those of the Board.
- (3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 300 full and temporarily licensed interpreters. This regulation only impacts those applying for initial temporary licensure.
- (4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:
  - (a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Licensees will need to meet the ethical standards of the national certifying bodies to which they belong.
  - (b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): None
  - (c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The profession will be stronger as licensees will be required to comply with additional ethical standards in some instances.
- (5) Provide an estimate of how much it will cost to implement this administrative regulation:
  - (a) Initially: No new costs will be incurred by the changes.
  - (b) On a continuing basis: No new costs will be incurred by the changes.
- (6) What is the source of the funding to be used for the imple-

mentation and enforcement of this administrative regulation: The board's operations are funded by fees paid by licensees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees will be required to implement this administrative regulation amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation established but does not change fees from their current level.

(9) TIERING: Is tiering applied? Tiering is not applied to this regulation.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes
2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Interpreters for the Deaf and Hard of Hearing
3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 309.304(3)
4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None
  - (a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None
  - (b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None
  - (c) How much will it cost to administer this program for the first year? None
  - (d) How much will it cost to administer this program for subsequent years? NoneNote: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):  
Expenditures (+/-):  
Other Explanation:

#### GENERAL GOVERNMENT CABINET Kentucky Board of Licensure for Massage Therapy (Amendment)

##### 201 KAR 42:040. Renewal.

RELATES TO: KRS 309.357(3), (4), (5), (6), 309.361  
STATUTORY AUTHORITY: KRS 309.355, (3)  
NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.355(3) requires the board to promulgate administrative regulations to implement KRS 309.350 to 309.364. KRS 309.357(3) requires all licenses to be renewed. This administrative regulation establishes the requirements for renewal of licenses.

Section 1. A license to practice massage therapy shall be renewed upon:

- (1) Payment of the biennial renewal fee as established in 201 KAR 42:020, Section 2(2) on or before the anniversary date of issue of license; and
- (2) Submission to the board of the Application for Renewal form and the following written information:
  - (a) Current complete home address and telephone number;
  - (b) Current complete name, address, and telephone number of each location in which massage therapy service is provided;
  - (c) A list indicating of completion of the continuing education units taken during the licensure renewal period as required by 201

KAR 42:110. The list shall:

1. Itemize the number of clock hours credited for each course; and
2. Designate the courses that fulfill the three (3) required hours of ethics training; and
  - (d) Confirmation that, since the license was issued or renewed, the licensee has not:
    1. Been convicted of a felony; and
    2. Had his or her license disciplined and is not currently under disciplinary review in another state; or
    3. Defaulted on the repayment obligation of financial aid programs administered by the Kentucky Higher Education Assistance Authority (KHEAA) per KRS 164.772.

Section 2. A licensee convicted of a felony or disciplined in the interim period between issuance and renewal of the license, or between renewal periods, shall submit notice of the conviction or discipline to the board within sixty (60) days of the discipline or conviction.

Section 3. If payment and complete information are not received by the board on or before the anniversary date of the issuance of the license, the license shall expire and the person shall not practice nor represent themselves as a massage therapist in Kentucky.

Section 4. An expired license shall be renewed within ninety (90) days of expiration if the applicant submits:

- (1) A completed Application for Renewal form;
- (2) Documentation of successful completion of twenty-four (24) hours of continuing professional education, which:
  - (a) Includes studies in ethics, business practices, science, and techniques related to massage therapy;
  - (b) Have been credited within two (2) years prior to the renewal deadline; and
  - (c) Have not been previously used within the same renewal period to satisfy Kentucky license renewal requirements; and
- (3) The appropriate fee for renewal, as required by 201 KAR 42:020, Section 2(2)(b), (c), or (d), or subsection (d), (5) or (6).

Section 5. (1) Upon initial licensing, a licensee shall be furnished a wall certificate to be displayed at the primary massage therapy service location. ~~(1) Upon initial licensing, a licensee shall be furnished:~~

- ~~(a) A billfold license identification card; and~~
- ~~(b) A wall certificate to be displayed at the primary massage therapy service location.~~

~~(2) Upon each subsequent renewal, a licensee shall be furnished a billfold license identification card.~~

~~(2) A licensee shall provide verification of current licensure upon request if he or she is currently engaged in the practice of massage therapy, intends to engage within a reasonable time in the practice of massage therapy, or has engaged in the practice of massage therapy immediately prior to the request.~~

~~(3) Official verification of licensure status shall be available on the board's Web site.~~

Section 6. Reactivation Requirement for Inactive Status Massage Therapist. (1)(a) Before the expiration of five (5) years of inactive status, a licensee requesting to return to active status shall:

1. Provide proof to the board of continuing education required by KRS 309.362(3);
2. Complete the Application for Renewal; and
3. Pay the fee prescribed by 201 KAR 42:020, Section 2(7).

(b) The continuing education hours provided pursuant to paragraph (a)1 of this subsection may be used for the next regular renewal period.

(2) After more than five (5) years of inactive status, a person requesting to return to active status shall reapply as required by KRS 309.362(3).

Section 7. Incorporation by Reference. (1) "Application for

Renewal", September 2010, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40602, (502) 564-3296, Monday through Friday, 8 a.m. to 4:30 p.m.

CHERYL A. TURNER, Board Chair

APPROVED BY AGENCY: January 30, 2012

FILED WITH LRC: February 13, 2012 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 21, 2012 at 9:00 a.m. (EST) at 911 Leawood Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until April 2, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Carolyn Benedict, Board Administrator, Kentucky Board of Licensure for Massage Therapy, PO Box 1370, Frankfort, Kentucky 40602

#### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michael West

(1) Provide a brief summary of

(a) What this administrative regulation does: This regulation establishes renewal and reinstatement procedures for massage therapists.

(b) The necessity of this administrative regulation: This regulation is necessary to implement the provisions KRS 357(3).

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist the board in administering this program by establishing procedures for the renewal of licenses.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: The licensure card will no longer be issued.

(b) The necessity of the amendment to this administrative regulation: The necessity of amendment is to remove fiscal and environmental burdens.

(c) How the amendment conforms to the content of the authorizing statutes: The licensure card will no longer be issued. The statutes do not require a licensure card to be issued.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will clarify supporting documentation to be supplied on renewal on licensure.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 2149 licensed massage therapists.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The individuals identified in question (3) will no longer receive a licensure card but they will be able to prove licensure via online verification.

(b) In complying with this administrative regulation or amend-

ment, how much will it cost each of the entities identified in question (3): Costs will be minimal if any.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): They will be able to prove the most current licensure status as reflected online as opposed to a possibly out-dated card.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No new costs will be incurred by the changes.

(b) On a continuing basis: No new costs will be incurred by the changes.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by licensees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees will be required to implement this administrative regulation amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish fees.

(9) TIERING: Is tiering applied? Tiering is not applied to this regulation.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Licensure for Massage Therapy

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 309.355(3)

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? None

(d) How much will it cost to administer this program for subsequent years? None

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

#### TOURISM, ARTS AND HERITAGE CABINET Kentucky Department of Fish and Wildlife Resources (Amendment)

##### 301 KAR 1:058. Methods for taking turtles.

RELATES TO: KRS 150.010, [150.025(1),] 150.400

STATUTORY AUTHORITY: KRS 150.025(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits, to regulate any method of taking, and to make such requirements apply to a limited area. This administrative regulation establishes the species of turtles which may be taken, and the legal methods to take turtles.

Section 1. Definitions. "Turtle" means a snapping turtle (Chelydra serpentina), but not an alligator snapping turtle (Macrolemys temminckii).

Section 2. Turtle Season and Methods of Taking. (1) Turtle season shall be open year-round.

(2) Turtles may be taken day or night.

(3) Unless exempt from license requirements by KRS 150.170(2), (3), (4), or (6), a person who takes a turtle shall possess a valid:

(a) Hunting license if using:

1. A gun; or

2. Bow and arrow;

(b) Sport fishing license if:

1. Using a hook and line in hand;

2. Using a fishing rod or fishing pole in hand;

3. Jugging;

4. Using a setline;

5. Using a sport fishing trot line;

6. Grabbing by hand;

7. Grabbing with a handled hook;

8. Giggling;

9. Snagging; or

10. Using a turtle trap as specified in subsections (4), (5) and

(6) of this section.

(4) A turtle trap shall:

(a) Be a barrel or drum with a tilting board trigger; or

(b) Be a floating log raft with an enclosed twine or wire mesh bag;

(5) Turtle traps shall not be constructed or set so that other animals may reasonably be expected to be caught.

(6) A person setting a turtle trap shall:

(a) Inspect the trap daily;

(b) Remove turtles from the trap, except that one (1) decoy turtle may remain in the trap; and

(b) Release unharmed any species other than a turtle.

(7) A person shall not use commercial fishing gear to take turtles, pursuant to 301 KAR 1:146.

(8) A person shall not take turtles for commercial purposes.

[NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish the methods and devices for taking wildlife, the buying and selling of wildlife and the places where taking is allowed. This administrative regulation establishes the species of turtles which may be taken, the methods which shall be used to take turtles, the waters in which certain methods shall not be used, and the requirements for selling turtles.

Section 1. Definitions. "Turtle" means a:

(1) Snapping turtle (Chelydra serpentina), except the alligator snapping turtle (Macrolemys temminckii);

(2) Smooth softshell turtle (Apalone mutica); and

(3) Spiny softshell turtle (Apalone spinifera).

Section 2. Turtle Season and Methods of Taking. (1) Turtle season shall be open year-round.

(2) Turtles may be taken day or night, year-round, in all lakes and streams, except turtles shall not be taken in:

(a) The Cumberland River below Wolf Creek Dam downstream to the Tennessee line; (b) The tributaries of the Cumberland River below Wolf Creek Dam downstream to the Tennessee line for a distance of one-half (1/2) mile above its junction with the Cumberland River;

(c) The Cumberland River below Barkley Dam downstream to the US 62 bridge;

(d) The Middle Fork of the Kentucky River from Buckhorn Lake Dam downstream to the Breathitt County line in Perry County;

(e) The Rough River below Rough River Lake Dam downstream to Highway 54 bridge in Breckinridge and Grayson Counties;

(f) Streams stocked with trout as defined in the Kentucky Trout Waters section of the annual Sport Fishing and Boating Guide; or

(g) Within 200 yards of any dam on any stream.

(3) Unless exempt from license requirements by KRS

150.170(2) or (3), a person who takes a turtle shall have in his possession a valid:

(a) Hunting license if he uses:

1. A gun; or

2. Bow and arrow;

(b) Sport fishing license if he uses:

1. Hook and line in hand;

2. Fishing rod or fishing pole in hand;

3. Jugging;

4. Setline;

5. Sport fishing trot line;

6. Grabbing by hand;

7. Grabbing with a handled hook;

8. Giggling;

9. Snagging; or

10. Turtle traps as specified in subsections (4), (5) and (6) of this section.

(4) A turtle trap shall:

(a) Be a barrel or drum with a tilting board trigger; or

(b) Be a floating log raft with an enclosed twine or wire mesh bag;

(5) Turtle traps shall not be constructed or set so that other animals may reasonably be expected to be caught.

(6) A person setting a turtle trap shall:

(a) Inspect the trap daily;

(b) Remove turtles from the trap, except that one (1) decoy turtle may remain in the trap; and

(c) Release unharmed a species except a turtle caught in the trap.

(7) A person who sells turtles shall possess a commercial fishing license.

(8) No commercial gear as defined in 301 KAR 1:146 shall be used to take turtles.

Section 3. Incorporation by Reference. (1) The "Sport Fishing and Boating Guide (2004 ed.)" is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department of Fish and Wildlife Resources, #1 Game Farm Road, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. and 4:30 p.m.]

BENJY KINMAN, Deputy Commissioner

For DR. JONATHAN GASSETT, Commissioner

MARCHETA SPARROW, Secretary

APPROVED BY AGENCY: February 8, 2012

FILED WITH LRC: February 10, 2012 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 22, 2012, at 9 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation by April 2, 2012. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Rose Mack, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-7109, ext. 4507, fax (502) 564-9136, email [fwpubliccomments@ky.gov](mailto:fwpubliccomments@ky.gov)

#### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Rose Mack

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes the species of turtles which may be taken, and the

legal methods of take.

(b) The necessity of this administrative regulation: This regulation is necessary to manage harvest of certain turtle species and to protect some species populations from harvest.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits, to regulate any method of taking, and to make such requirements apply to a limited area.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist in administering KRS 150.025 by defining the season and methods of take for certain species of turtles.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment will remove all turtles including softshell and snapping turtles from commercial harvest.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to prevent Kentucky turtle populations from overharvest due to the growing commercial export food market, primarily in Asia. It also protects softshell turtles from any harvest, but still allows the recreational harvest of snapping turtles.

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Anyone who wants to commercially harvest turtles or will be affected. There is no evidence that a legal commercial market for turtles exists in Kentucky, so the impact is negligible, but this amendment will allow the department to prevent commercial exploitation in Kentucky due to increasing foreign demand.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: No action will be necessary.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs will be incurred.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The prohibition of commercial harvest on snapping turtles will ensure that populations are sustainable for sport harvesting.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no cost associated with the implementation of this regulation initially.

(b) On a continuing basis: There will be no cost on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: Fees or funding will not be increased in order to implement this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: No fees were established or increased.

(9) TIERING: Is tiering applied? Tiering is not applied, as all turtle harvesters are treated equally.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department's Divisions of Fisheries and Law Enforcement will be impacted.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1)

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No revenue will be generated for the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No revenue will be generated in subsequent years.

(c) How much will it cost to administer this program for the first year? There will not be a cost to administer this program for the first year.

(d) How much will it cost to administer this program for subsequent years? There will not be a cost in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

**Tourism, Arts and Heritage Cabinet  
Kentucky Department of Fish and Wildlife Resources  
(Amendment)**

**301 KAR 2:251. Hunting and trapping seasons and limits for furbearers.**

RELATES TO: KRS 150.170, 150.180, 150.360, 150.370, 150.399, 150.400, 150.415, 150.416, 150.990

STATUTORY AUTHORITY: KRS 150.025(1), 150.175(7), (9), [KRS 150.025, 150.175,] 150.410

NECESSITY, FUNCTION, AND CONFORMITY: KRS 150.025(1) authorizes the department to promulgate administrative regulations to establish open seasons for the taking of wildlife, to regulate bag limits, to regulate any method of taking, and to make such requirements apply to a limited area. KRS 175(7), (9)[KRS 150.025 authorizes the department to establish seasons for the taking of game and fish and to regulate bag and possession limits, the methods of taking and the devices used to take wildlife. KRS 150.175] authorizes the department to issue licenses, permits, and tags for hunting and trapping. KRS 150.410 authorizes the department to regulate trap tags, trap visitation, and trap placement to protect domestic animals. This administrative regulation establishes seasons, bag limits, and legal methods for hunting and trapping furbearers.

Section 1. Definitions. (1) "Body-gripping trap" means a commercially manufactured spring-loaded trap designed to kill the animal upon capture.

(2) "Dry land set" means a trap that is not set to submerge an animal in water upon capture.

(3) "Foothold trap" means a commercially manufactured spring-loaded trap with smooth, metallic or rubber soft-catch jaws that close upon an animal's foot.

(4) "Furbearer" means mink, muskrat, beaver, raccoon, opossum, gray fox, red fox, least weasel, long-tailed weasel, river otter, bobcat, coyote, and striped skunk.

(5) "Hunter" means a person hunting furbearers with gun, gun and dog, bow and arrow, dog, or by falconry.

(6) "Otter Zone 1" means the following counties: Anderson, Ballard, Bath, Boone, Bourbon, Bracken, Breckinridge, Bullitt, Caldwell, Calloway, Campbell, Carlisle, Carroll, Christian, Crittend-

en, Daviess, Fayette, Fleming, Franklin, Fulton, Gallatin, Grant, Graves, Grayson, Hancock, Hardin, Harrison, Henderson, Henry, Hickman, Hopkins, Jefferson, Kenton, Larue, Livingston, Lyon, Marshall, Mason, McCracken, McLean, Meade, Muhlenberg, Nelson, Nicholas, Ohio, Oldham, Owen, Pendleton, Robertson, Rowan, Scott, Shelby, Spencer, Trigg, Trimble, Union, Webster, and Woodford.

(7) "Otter Zone 2" means all Kentucky counties not included in subsection 6 of this section.

(8) "Snare" means a wire, cable, or string with a knot, loop, or a single piece closing device which is not power or spring assisted.

(9)[(7)] "Squaller" means a hand-operated, mouth-operated, or electronic call capable of mimicking the vocalizations of furbearers.

(10)[(8)] "Trap" means a body-gripping trap, box trap, deadfall, foothold trap, snare, or wire cage trap used to catch furbearers.

(11)[(9)] "Water set" means a trap set to submerge an animal in water upon capture.

(12)[(40)] "Youth" means a person who has not reached sixteen (16) years of age.

Section 2. Hunting Requirements. (1) Unless exempted by KRS 150.170, a person shall carry proof of purchase of a valid hunting license while hunting furbearers.

(2) Furbearers may be taken during daylight hours only, except for raccoon and opossum.

(3) Raccoon and opossum may be taken day or night, except that a person shall not take raccoons or opossums during daylight hours during the modern gun deer season, as established in 301 KAR 2:172.

(4) A hunter shall not use a light from a boat to take raccoon or opossum.

(5) A person shall not use the following while chasing raccoon or opossum from noon on March 1 through September 30:

(a) A firearm;

(b) Slingshot;

(c) Tree climber; or

(e) Any device to kill, injure, or force a raccoon or opossum from a tree or den.

(6) A person may use a squaller year-round.

(7) There shall not be a closed season on:

(a) Chasing red and gray foxes during daylight hours for sport and not to kill; and

(b) Chasing raccoons or opossums for sport and not to kill.

(8) A hunter may use a hand or mouth-operated call, electronic call, or any other attracting device during a furbearer hunting season.

Section 3. Trapping Requirements. (1) Unless exempted by KRS 150.170, a person shall carry proof of purchase of a valid trapping license while trapping.

(2) A person who is trapping on dry land shall not:

(a) Set traps closer than ten (10) feet apart; or

(b) Use any trap except for the following:

1. Deadfall;

2. Wire cage or box trap;

3. Foothold trap with a maximum inside jaw spread of six (6) inches measured perpendicular to the hinges;

4. Body-gripping trap with a maximum inside jaw spread of seven and one-half (7.5) inches measured parallel with the trigger; or

5. A snare.

(3) There shall be no restrictions on the size or type of trap used as a water set.

(4) A trap shall not be set in a trail or path commonly used by a human or a domestic animal.

(5) A trapper may use lights from a boat or a vehicle.

Section 4. Trap Tags. (1) Each trap shall have a metal tag attached to it that clearly shows one (1) of the following:

(a) The name and address of the person setting, using, or maintaining the trap; or

(b) A wildlife identification number issued by the department and the 1-800-25ALERT department hotline phone number.

(2) A person may apply for a wildlife identification number by:

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- (a) Accessing the department's website at fw.ky.gov; or
- (b) Calling the department's information center at 1-800-858-1549.

(3) The following information shall be required for a person to apply for a wildlife identification number:

- (a) Name;
- (b) Current home address;
- (c) Social Security number;
- (d) Current phone number;
- (e) Date of birth; and
- (f) Driver's license number, if available.

(4) A person shall:

(a) Not use a trap tag that has an inaccurate or outdated address;

(b) Not use a trap tag that has a wildlife identification number that corresponds to an inaccurate or outdated address or phone number; and

(c) Contact the department to provide updated address and phone number.

(5) A wildlife identification number is valid for the life of the holder.

Section 5. Hunting Season Dates. Except as specified in 301 KAR 2:049 or 301 KAR 2:125, a person shall not take the following wildlife except during the dates specified in this section:

(1) Bobcat: from noon on the fourth Saturday in November through the last day of February.

(2) Coyote: year round.

(3) Raccoon and Opossum: October 1 through the last day of February.

(4) All other furbearers: from noon on the third day of the modern gun deer season through the last day of February.

(5) Furbearers taken by falconry: September 1 through March 30.

Section 6. Trapping Season Dates. Except as specified in 301 KAR 2:049 or 301 KAR 2:125, a person shall not take furbearers except from noon on the third day of the modern gun deer season through the last day of February.

Section 7. License-Exempt Season for Youth. For seven (7) consecutive days beginning on the Saturday after Christmas, a youth may hunt or trap furbearers without a license, but all other statewide requirements shall apply.

Section 8. Bag Limits. (1) There shall not be a bag limit on furbearers except:

(a) A person shall not take more than five (5) bobcats per season, no more than three (3) of which shall be taken with a gun;

(b) A person shall not take more than ten (10) river otters per season in Otter Zone 1;

(c) A person shall not take more than six (6) river otters per season in Otter Zone 2;

(d) The total river otter bag limit per season shall be ten (10) per person, only six (6) of which can be taken from Otter Zone 2; and

(e) A falconer hunting within the falconry season, but outside the dates specified in Section 5(3) and 5(4) of this administrative regulation, shall not take more than two (2) of any furbearer per day.

Section 9. Harvest Recording. (1) Immediately after taking a river otter or bobcat, and before moving the carcass, a person shall record in writing the following information:

- (a) The species;
- (b) The date;
- (c) The county where taken; and
- (d) The sex of the animal.

(2) The information listed in subsection (1) of this section shall be recorded on one of the following:

(a) The hunter's log section on the reverse side of a license or permit;

(b) The hunter's log section in the current hunting and trapping guide;

(c) A hunter's log available from any KDSS agent; or

(d) An index card or similar card.

(3) A person shall retain and possess the completed hunter's log while hunting or trapping during the current season.

Section 10. Checking a River Otter or Bobcat. (1) A person who takes a river otter or bobcat shall check each animal by calling the toll free number listed in the current hunting and trapping guide on the day the river otter or bobcat is harvested, and:

(a) Provide the information requested by the automated check-in system; and

(b) Write the confirmation number provided by the automated check-in system on the hunter's log described in Section 9 of this administrative regulation.

(2) A person who intends to sell the raw fur of a river otter or bobcat to a licensed fur processor, fur buyer, or taxidermist or wishing to export a river otter or bobcat pelt outside the United States shall:

(a) Contact the department and request a Convention on International Trade of Endangered Species of Flora and Fauna (CITES) tag by providing:

1. A valid confirmation number as described in subsection (1) of this section; and

2. A street address where the tag is to be mailed; or

(b) Access the department's website at fw.ky.gov and complete and submit the CITES tag request form to the department.

(3) A person who intends to transfer to another person a river otter or bobcat that does not have an attached CITES tag shall attach to the carcass a handmade tag that contains the following:

(a) The confirmation number;

(b) The hunter or trapper's name; and

(c) The hunter or trapper's phone number.

(4) A person shall not provide false information when:

(a) Completing the hunter's log;

(b) Checking a river otter or bobcat; or

(c) Creating a handmade carcass tag.

(5) A CITES tag shall be attached to the raw fur, pelt, or unskinned carcass per the instructions provided by the department and remain with the pelt until it is processed or exported outside the United States.

(6) Possession of an unused CITES tag is prohibited unless authorized by the department.

Section 11. Transporting and Processing a River Otter or Bobcat. (1) A person shall not sell the raw fur of a river otter or bobcat except to a licensed:

(a) Fur buyer;

(b) Fur processor; or

(c) Taxidermist.

(2) A taxidermist, fur buyer, or fur processor shall:

(a) Not accept a river otter or bobcat carcass or any part of a river otter or bobcat without a proper carcass tag or CITES tag described in Section 10 of this administrative regulation; and

(b) Keep the following information from a hunter or trapper:

1. Name;

2. Address;

3. Confirmation number or CITES tag number; and

4. Date received for each river otter or bobcat.  
Hunting and Trapping Seasons. Except as specified in 301 KAR 2:049 or 301 KAR 2:125, a person shall not take the following wildlife except during the dates specified in this section:

(1) Raccoon and opossum:

(a) Hunting from: November 1 through the last day of February. During the modern gun deer season, as established in 301 KAR 2:172 a raccoon or opossum hunter shall not take raccoons or opossums during daylight hours;

(b) Trapping: from noon on the third day of the modern gun deer season through the last day of February.

(2) Coyote:

(a) Hunting: year round.

(b) Trapping: from noon on the third day of modern gun deer season through the last day of February.

(3) Bobcat:

(a) Hunting: from noon on the third Saturday in November



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through January 31.

(b) Trapping: from noon on the third day of the modern gun deer season through the last day of February.

(4) All other furbearers: from noon on the third day of the modern gun deer season through the last day of February.

(5) Furbearers taken by falconry: September 1 through March 30.

(6) There shall not be a closed season on:

(a) Chasing red and gray foxes during daylight hours for sport and not to kill; and

(b) Chasing raccoons or opossums for sport and not to kill.

(7) For seven (7) consecutive days beginning on the Saturday after Christmas, a youth may hunt or trap furbearers without a hunting or trapping license, but all other statewide requirements shall apply.

**Section 3. Bag Limits.** (1) There shall not be a bag limit on furbearers except for:

(a) Bobcats;

(b) River otters; and

(c) Those taken by falconry.

(2) A person shall not take more than five (5) bobcats per season, no more than three (3) of which shall be taken with a gun.

(3) A person shall not take more than six (6) river otters per season.

(4) A falconer hunting within the falconry season, but outside the dates specified in Section 2(1) through (4) of this administrative regulation, shall not take more than two (2) of any furbearer per day.

**Section 4. Legal Hours of Take.** (1) Furbearers: daylight hours only, except for raccoon and opossum.

(2) Raccoon and opossum: day or night, except that a person shall not take raccoons or opossums during daylight hours during the modern gun deer season, as established in 301 KAR 2:172.

**Section 5. Use of Calls.** A hunter may use a hand or mouth-operated call, electronic call, or any other attracting device during a furbearer hunting season.

**Section 6. Raccoon and Opossum Restrictions.** (1) A hunter shall not use a light from a boat to take raccoon or opossum.

(2) Except as specified in subsection (3) of this section, a person shall not use the following while chasing raccoon or opossum from noon on March 1 through October 31:

(a) A firearm;

(b) Slingshot;

(c) Tree climber;

(d) Squaller; or

(e) Any device to kill, injure, or force a raccoon or opossum from a tree or den.

(3) A person participating in a department-approved raccoon dog trial sanctioned by one (1) of the following organizations may use a squaller:

(a) The American Coon Hunters Association;

(b) The American Kennel Club/American Coon Hunters Association;

(c) The National Kennel Club;

(d) The Professional Kennel Club;

(e) The United Coon Hunters Association; and

(f) The United Kennel Club.

**Section 7. Trapping Methods.** (1) A person who is trapping on dry land shall not:

(a) Set traps closer than ten (10) feet apart; or

(b) Use any trap except for the following:

1. Deadfall;

2. Wire cage or box trap;

3. Foothold trap with a maximum inside jaw spread of six (6) inches measured perpendicular to the hinges;

4. Body-gripping trap with a maximum inside jaw spread of seven and one-half (7.5) inches measured parallel with the trigger; or

5. A snare.

(2) There shall be no restrictions on the size or type of trap used as a water set.

(3) A trap shall not be set in a trail or path commonly used by a human or a domestic animal.

(4) A trapper may use lights from a boat or a vehicle.

**Section 8. Harvest Recording.** Immediately after taking a river otter or bobcat, a person shall:

(1) Record, in writing, the species, date taken, county where taken, and sex of the river otter or bobcat before moving the carcass from the site where taken. This information shall be logged and registered on one (1) of the following:

(a) Hunter's log section on the reverse side of a license or permit;

(b) Hunter's log from the current hunting and trapping guide;

(c) Hunter's log printed from the Internet;

(d) Hunter's log available from any KDSS agent; or

(e) An index or similar card; and

(2) Retain and possess the completed hunter's log if the hunter is in the field during the current season.

**Section 9. Checking a River Otter or Bobcat.** (1) A person shall check a harvested river otter or bobcat by calling the toll free number listed in the current hunting and trapping guide on the day the river otter or bobcat is harvested and:

(a) Providing the information requested by the automated check-in system; and

(b) Writing the confirmation number given by the automated check-in system on the hunter's log described in Section 8 of this administrative regulation.

(2) A person wishing to sell the raw fur of a river otter or bobcat to a licensed fur processor, fur buyer, or taxidermist or wishing to export a river otter or bobcat pelt outside the United States shall:

(a) Call the department's toll-free information number and request a Convention on International Trade of Endangered Species of Flora and Fauna (CITES) tag by providing:

1. A valid confirmation number as described in subsection (1) of this section; and

2. A street address where the tag is to be mailed; or

(b) Access the department's Web site at <http://fw.ky.gov/> complete and submit the CITES tag request form.

(3) If a harvested river otter or bobcat leaves the possession of a hunter or trapper and does not have a CITES tag attached to it, the hunter or trapper shall attach a handmade tag to the carcass, that contains:

(a) The confirmation number;

(b) The hunter or trapper's name; and

(c) The hunter or trapper's phone number.

(4) A person shall not provide false information if completing the hunter's log, checking a river otter or bobcat, or creating a carcass tag.

(5) A CITES tag shall be attached to the raw fur, pelt, or unskinned carcass per the instructions provided by the department and remain with the pelt until it is processed or exported outside the United States.

(6) Possession of an unused CITES tag is prohibited unless authorized by the department.

**Section 10. Transporting and Processing a River Otter or Bobcat.** (1) A person shall not sell the raw fur of a river otter or bobcat except to a licensed:

(a) Fur buyer;

(b) Fur processor; or

(c) Taxidermist.

(2) A taxidermist, fur buyer, or fur processor shall:

(a) Not accept a river otter or bobcat carcass or any part of a river otter or bobcat without a proper carcass tag or CITES tag described in Section 9 of this administrative regulation; and

(b) Keep the following information from a hunter or trapper:

1. Name;

2. Address;

3. Confirmation number or CITES tag number; and

4. Date received for each river otter or bobcat.

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Section 11. Trap Tags. (1) Each trap shall have a metal tag attached to it that clearly shows one (1) of the following:

(a) The name and address of the person setting, using, or maintaining the trap; or

(b) A wildlife identification number issued by the department and the 1-800-25ALERT department hotline phone number.

(2) A person may apply for a wildlife identification number by:

(a) Accessing the department's Web site at <http://fw.ky.gov/>; or

(b) Calling the department's information center at 1-800-858-1549.

(3) The following information shall be required for a person to apply for a wildlife identification number:

(a) Name;

(b) Current home address;

(c) Social Security number;

(d) Current phone number;

(e) Date of birth; and

(f) Driver's license number, if available.

(4) A person shall:

(a) Not use a trap tag that has an inaccurate or outdated address;

(b) Not use a trap tag that has a wildlife identification number that corresponds to an inaccurate or outdated address or phone number; and

(c) Contact the department to provide updated address and phone number.

(5) A wildlife identification number is valid for the life of the holder.]

BENJY T. KINMAN, Deputy Commissioner

For DR. JONATHAN GASSETT, Commissioner

MARCHETA SPARROW, Secretary

APPROVED BY AGENCY: February 8, 2012

FILED WITH LRC: February 10, 2012 at noon

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 22, 2012, at 10 a.m. at the Department of Fish and Wildlife Resources in the Commission Room of the Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by five business days prior to the hearing of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation by April 2, 2012. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Rose Mack, Department of Fish and Wildlife Resources, Arnold L. Mitchell Building, #1 Sportsman's Lane, Frankfort, Kentucky 40601, phone (502) 564-3400 fax (502) 564-9136, email [fwpubliccomments@ky.gov](mailto:fwpubliccomments@ky.gov)

**REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT**

Contact Person: Rose Mack

(1) Provide a brief summary of:

(a) What this administrative regulation does: This regulation establishes furbearer hunting and trapping seasons, bag limits, legal methods of take, and other furbearer hunting and trapping requirements.

(b) The necessity of this administrative regulation: This regulation is necessary to provide adequate furbearer hunting and trapping opportunities and to properly manage furbearer populations in Kentucky.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 150.025(1) authorizes the department to promulgate administrative regulations establishing open seasons for the taking of wildlife, to regulate bag limits, to regulate any method of taking, and to make such requirements apply to a limited area. KRS 150.175(7)(9) authorizes the department to issue

licenses, permits, and tags for hunting and trapping. KRS 150.410(1) authorizes the department to regulate trap tags, trap visitation, and trap placement to protect domestic animals.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will assist in administering the above statutes by defining the seasons, bag limits, and methods of take used to manage furbearers in Kentucky.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment establishes a 58-county Otter Zone in which the season bag limit for river otters is ten (10); the season bag limit in the remaining 62 Kentucky counties will remain six (6) otters. This amendment also moves the opening day of the raccoon and opossum hunting season from November 1 to October 1, and allows the use of squallers year-round. Lastly, this amendment moves the opening day of the bobcat hunting season from the third Saturday in November to the fourth Saturday in November, and extends the last day of the bobcat hunting season from January 31 to the last day in February.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to allow increased harvest opportunity of river otters in western and north-central Kentucky. Recently completed research indicates that otter populations in those areas where nuisance complaints are highest can withstand this increased harvest pressure. Establishing the earlier October 1 opening date for the raccoon and opossum hunting season will allow increased opportunity while having no detrimental impacts on population numbers. Likewise, the expanded use of squallers to locate and identify treed raccoons will allow hunters to better train their dogs. Moving the opening day of bobcat hunting season to the fourth Saturday in November will remove considerable harvest pressure that occurs during the concurrent modern gun season for deer. This calendar shift allows for the extension of the bobcat hunting season through February.

(c) How the amendment conforms to the content of the authorizing statutes: See (1)(c) above.

(d) How the amendment will assist in the effective administration of the statutes: See (1)(d) above.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All those who hunt or trap furbearers could potentially benefit from these regulatory amendments. Currently, there are no estimates for the number of hunters that pursue raccoons, opossums or bobcats in Kentucky. However, there were 1,839 trapping licenses sold in 2010; all of those people could legally trap river otters.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: Fur trappers may take ten (10) river otters if trapping within the 58-county Western Otter Zone, whereas only six (6) otters may be taken if trapping in the remainder of the state. Hunters may now pursue raccoons and opossums beginning October 1, rather than November 1; and people training raccoon hounds may use squallers year-round to identified treed raccoons. Hunters may only hunt bobcats beginning the last Saturday in November, but may continue hunting bobcats through February.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No additional cost to furbearer hunters or trappers.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Hunters and trappers that pursue river otters, raccoons, and bobcats will collectively benefit from these amendments that establish more liberal bag limits, season lengths, or hunter restrictions.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no additional cost to the department to implement this administrative regulation.

(b) On a continuing basis: There will be no additional cost to the department on a continuing basis.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The source of funding is the State Game and Fish Fund.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: It will not be necessary to increase any other fees or to increase funding to implement this administrative regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish fees or directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? No. Tiering is not applied because all hunters and trappers of furbearers in Kentucky must comply with the requirements of this administrative regulation.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Department of Fish and Wildlife Resources Divisions of Wildlife and Law Enforcement will be impacted by this administrative regulation.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 150.025(1), 150.175(7),(9), and 150.410(1).

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No additional revenue will be generated by this administrative regulation during the first year.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No additional revenue will be generated by this administrative regulation during subsequent years.

(c) How much will it cost to administer this program for the first year? There will be no additional costs incurred for the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no additional costs incurred in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

#### JUSTICE AND PUBLIC SAFETY CABINET Kentucky Law Enforcement Council (Amendment)

#### 503 KAR 3:070. Telecommunications (Public Safety Dispatch Non-CJIS) Academy.[academy (non-CJIS)-]

RELATES TO: KRS 15.530, 15.560

STATUTORY AUTHORITY: KRS 15.590

NECESSITY, FUNCTION, AND CONFORMITY: KRS 15.590 authorizes the Kentucky Law Enforcement Council[requires the Commissioner of the Department of Criminal Justice Training] to promulgate administrative regulations regarding training and telecommunications practices. This administrative regulation establishes the course and graduation requirements of the Telecommunications (Public Safety Dispatch Non-CJIS) Academy[non-CJIS].

Section 1. Definitions. (1) "Academy" means the 165 1/2[428] hour Telecommunications (Public Safety Dispatch Non-CJIS) Academy course conducted by the department that does not include training on the Criminal Justice Information System (CJIS).

(2) "KLEC" means the Kentucky Law Enforcement Council.

Section 2. Academy Content. The academy shall consist of the following seven ~~(7)[six (6)]~~ areas:

(1) Introduction to Dispatching:[Basic telecommunications;]

(2) Duties and Responsibilities:[Emergency medical dispatch;]

(3) Phone procedures:[Cardiopulmonary resuscitation (CPR);]

(4) Radio procedures:[Critical incidents;]

(5) Calls for service:[Spanish for the telecommunicator; and]

(6) Emergency medical dispatch; and

(7) Final Exam and Graduation.[Incident command, Homeland Security-]

Section 3. Academy Graduation Requirements. (1) To graduate from the academy, a trainee shall:

(a) Successfully complete a minimum of 165 1/2[428] hours of KLEC-approved training;

(b) Attain a passing score on all examinations for which a numerical score is assigned, as follows:

1. Minimum score on the Emergency Medical Dispatch written examination as set by the Emergency Medical Dispatch provider:[Eighty (80) percent on the Emergency Medical Dispatch written examination;]

2. Minimum score on the CPR written examination as set by the CPR provider:[Eighty (80) percent on the CPR written examination;] and

3. Seventy (70) percent on all other examinations for which a numerical score is assigned;

(c) Pass all examinations for which a pass or fail designation is assigned; and

(d) Successfully complete all other assignments, exercises, and projects included in the academy. After-hours assignments may be required, and if required, they shall be successfully completed to pass the training area for which they were assigned.

(2) A trainee shall be considered to have failed the academy if the trainee does not meet the requirements established in subsection (1) of this section.~~[(3) To avoid unnecessary repetition of coursework:~~

~~(a) A telecommunicator who attends the Non-CJIS Telecommunications Academy and has previously successfully completed basic telecommunications or any other area of the Non-CJIS Telecommunications Academy, as established in Section 2 of this administrative regulation, shall:~~

~~1. Receive credit for that training area; and~~

~~2. Not be required to repeat that training area of the Non-CJIS Telecommunications Academy; and~~

~~(b) The Commissioner of the Department of Criminal Justice Training may, upon written request, award a certificate of completion to a law enforcement telecommunicator who has successfully completed all of the training areas that compose the Non-CJIS Telecommunications Academy.]~~

Section 4. Reexaminations. (1) A trainee shall be permitted one (1) reexamination.

(2) A trainee who fails an examination shall not be reexamined:

(a) Earlier than twenty-four (24)[forty-eight (48)] hours from the original examination; or

(b) Later than the last scheduled day before the academy graduation.[of the telecommunications academy-]

(3) A trainee shall be considered to have failed the academy if the trainee fails a reexamination.

Section 5. Failure and Repetition of Academy.(1) A trainee who has failed an academy shall be permitted to repeat one (1) academy in its entirety during the following twelve (12) months.

(2) The trainee or his agency shall pay all fees for the repeated academy.

Section 6. Absence. (1) A trainee may have excused absences from the academy with approval of the[Professional Development]

Branch manager or telecommunications training section supervisor.

(2) If an excused absence causes a trainee to miss any of the 165 1/2[128] hours of the academy, the training shall be made up through an additional training assignment.

(3) If a trainee's absence is excused and he or she misses more than ten (10) percent of the total hours of the academy, the trainee shall be withdrawn from the academy and reenrolled in a subsequent class beginning at the point at which the trainee was absent. The time period for reenrollment in a subsequent class shall not exceed six (6) months from the date of the class from which the trainee was withdrawn.

(4) If a trainee's absence is unexcused and he or she misses more than ten (10) percent of the total hours of the academy, the trainee shall be withdrawn from the academy and receive no credit for completed training.

Section 7. Circumstances Preventing Completion of the Academy. If a trainee is prevented from completing the academy due to extenuating circumstances beyond the control of the trainee, including injury, illness, personal tragedy, or agency emergency, he shall be permitted to complete the unfinished areas of the academy within 180 days immediately following the termination of the extenuating circumstance, if the:

(1) Extenuating circumstance preventing completion of the academy does not last for a period longer than one (1) year; and

(2) Failure to complete is not caused by a preexisting physical injury or preexisting physiological condition.

Section 8. Termination of Employment While Enrolled. (1) If, while enrolled in the academy, a trainee's employment as a dispatcher[telecommunicator] is terminated by resignation or dismissal and he is unable to complete the academy, he may complete the remaining training within one (1) year of reemployment as a dispatcher[telecommunicator].

(2) The trainee shall repeat the academy in its entirety if:

(a) The break in employment exceeds one (1) year; or

(b) The termination of employment is a result, directly or indirectly, of disciplinary action taken by the department against the trainee while enrolled in the academy.

Section 9. Maintenance of Records. All training records shall be:

(1) Available to the KLEC and the Secretary of the Justice Cabinet for inspection or other appropriate purposes; and

(2) Maintained in accordance with KRS Chapter 171.

KEITH CAIN, Chair

APPROVED BY AGENCY: January 18, 2012

FILED WITH LRC: January 18, 2011 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 21, 2012 at 9:00 a.m. in Room 211, Funderburk Building, Richmond, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by March 14, 2012, five work days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until April 2, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Stephen D. Lynn, Assistant General Counsel, Department of Criminal Justice Training, Funderburk Building, 521 Lancaster Avenue, Richmond, Kentucky 40475-3102, phone (859) 622-3073, fax (859) 622-5027.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Stephen D. Lynn

(1) Provide a brief summary of:

(a) What this administrative regulation does: Establishes the guidelines and procedures for graduation from the Department of Criminal Justice Training (DOCJT) Telecommunications (Public Safety Dispatch Non-CJIS) academy.

(b) The necessity of this administrative regulation: The regulation is necessary so that the Kentucky Law Enforcement Council can fulfill his responsibility, as established in KRS 15.590, to promulgate administrative regulations necessary for the proper training of Law Enforcement Telecommunicators.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 15.590 authorizes the Kentucky Law Enforcement Council to promulgate administrative regulations regarding telecommunications practices. This administrative regulation is necessary to establish graduation requirements for the DOCJT Telecommunications (Public Safety Dispatch Non-CJIS) academy.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation sets clear, reasonable and consistent rules and procedures for graduation from DOCJT Telecommunications (Public Safety Dispatch Non-CJIS) Academy.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: 1. Changes the name of the Telecommunications Academy to incorporate "Public Safety Dispatch Non-CJIS." 2. Amends the course content of the academy and passing scores for the courses. 3. Deletes old provisions regarding completion of individual parts of the academy. 4. Amends reexamination time periods. 5. Amends policy regarding excused and unexcused absences and how much time can be missed.

(b) The necessity of the amendment to this administrative regulation: This administrative regulation has not been amended in over five years. These amendments are necessary to update the subjects and training material that is taught to dispatchers in the Academy.

(c) How the amendment conforms to the content of the authorizing statutes: KRS 15.590 authorizes the Kentucky Law Enforcement Council to promulgate administrative regulations necessary for training, in-service training, and telecommunications practices.

(d) How the amendment will assist in the effective administration of the statutes: The amendment will benefit law enforcement agencies that employ dispatchers and permit the Kentucky Law Enforcement Council to fulfill its statutory responsibilities.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All law enforcement agencies in the Commonwealth that employ law enforcement telecommunicators or dispatchers.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: The agencies should not have to take any actions. These amendments relate only to the Telecommunications (Public Safety Dispatch Non-CJIS) Academy conducted by the Department of Criminal Justice Training.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The amendment adds three days of training to the current schedule. Other than the salary paid to trainees, compliance with the amendments should not impose additional costs.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): They will receive a better trained dispatcher upon graduation.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No additional costs.

(b) On a continuing basis: No additional costs.

(6) What is the source of funding to be used for the implementation and enforcement of this administrative regulation: The restricted Kentucky Law Enforcement Foundation Program Fund (KLEFPF).

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change, if it is an amendment: No increase should be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: The amendment of this administrative regulation does not establish any new fees or increase any fees, directly or indirectly.

(9) TIERING: Is tiering applied? No. Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it. Disparate treatment of any person or entity subject to this administrative regulation could raise questions of arbitrary action on the part of the agency. The "equal protection" and "due process" clauses of the Fourteenth Amendment of the U.S. Constitution may be implicated as well as Sections 2 and 3 of the Kentucky Constitution.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any aspect of a local government, including any service provided by that local government? Yes.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This administrative regulation will affect city, county, and state agencies that employ law enforcement dispatchers. New city, county, and state telecommunications are required to attend the Telecommunications (Public Safety Dispatch Non-CJIS) Academy.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 15.330(1)(a) and (h), KRS 15.590.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None.

(c) How much will it cost to administer this program for the first year? There should be little additional costs to the Department of Criminal Justice Training other than the daily meal allowance, which is \$17.00 per trainee for each of the three additional days of training.

(d) How much will it cost to administer this program for subsequent years? No additional costs over that which the Department of Criminal Justice Training currently spends to administer the telecommunications public safety dispatch training program.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): None.

Expenditures (+/-): None.

Other Explanation: Please see answers to 4(c) and 4(d) above.

#### PUBLIC PROTECTION CABINET Department of Financial Institutions Securities Division (Amendment)

#### 808 KAR 10:400. Examination fees and criteria.

RELATES TO: KRS 292.336(4)[~~KRS 292.330(12)(d)~~], 15 U.S.C. 78s(b), 15 U.S.C. 78w(w)

STATUTORY AUTHORITY: KRS 292.336(4)(b)[~~KRS~~

~~292.330(12)(d)~~]

NECESSITY, FUNCTION, AND CONFORMITY: KRS 292.336(4)(b)[~~KRS 292.330(12)(d)~~] provides that the commissioner[~~executive director~~] may make periodic examinations of broker-dealers, firms employing issuer agents, and investment advisers and may charge a reasonable fee for the examination. This administrative regulation establishes the schedule of fees.

Section 1. Investment Adviser. The fee for an[~~a routine~~] examination of an investment adviser shall be:

(1) Seventy-five (75) dollars for an investment adviser with assets under management of one (1) million dollars or less;

(2) \$150 for an investment adviser with assets under management of more than one (1) million dollars but not more than five (5) million dollars;

(3) \$250 for an investment adviser with assets under management of more than five (5) million dollars but not more than ten (10) million dollars;

(4) \$300 for an investment adviser with assets under management of more than ten (10) million dollars but not more than twenty (20) million dollars;~~[- and]~~

(5) \$350 for an investment adviser with assets under management of more than twenty (20) million dollars but not more than thirty (30) million dollars;

(6) \$450 for an investment adviser with assets under management of more than thirty (30) million dollars but not more than forty-five (45) million dollars;

(7) \$550 for an investment adviser with assets under management of more than forty-five (45) million dollars but not more than sixty (60) million dollars;

(8) \$650 for an investment adviser with assets under management of more than sixty (60) million dollars but not more than seventy-five (75) million dollars; and

(9) \$750 for an investment adviser with assets under management of more than seventy-five (75) million dollars.

Section 2. Broker-Dealer and Issuers. The fee for an[~~a routine~~] examination of a broker-dealer or a firm employing issuer agents shall be thirty-five (35) dollars per working hour with the total fee not to exceed \$1,000. A fee shall not be charged for training hours on an examination.[~~A fee shall not be charged for examination work by an examiner-trainee.~~]

Section 3. Application of Industry Standards to Examination Criteria. When not in conflict with Kentucky law, a Department[~~Office~~] of Financial Institution examiner shall apply the recordkeeping, supervisory, and conduct rules promulgated by:

(1) The Securities and Exchange Commission pursuant to 15 U.S.C. 78w; or

(2) If the broker-dealer is a member of a self-regulatory organization as defined in 15 U.S.C. 78c(a)(26), the self-regulatory organization pursuant to 15 U.S.C. 78s(b).

This is to certify that the persons signing below have reviewed or approved this administrative regulation, prior to its filing by the Department of Financial Institutions with the Legislative Research Commission as required by KRS 13A.220(6)(b).

ROBERT D. VANCE, Secretary

CHARLES A. VICE, Commissioner

APPROVED BY AGENCY: February 13, 2012

FILED WITH LRC: February 14, 2012 at 11 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on March 22, 2012, at 10:00 a.m., EST, in the Department of Financial Institutions, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by March 15, 2012 (five working days prior to the hearing) of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is

made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through April 2, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation by the above date to the contact person:

CONTACT PERSON: Simon Berry, Staff Attorney, Department of Financial Institutions, 1025 Capital Center Drive, Suite 200, Frankfort, Kentucky 40601, phone (502) 573-3390 ext. 232, fax (502) 573-2183.

## REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Simon Berry

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the examination fees imposed on investment advisers, firms employing issuer agents, and broker-dealers registered with the Kentucky Department of Financial Institutions.

(b) The necessity of this administrative regulation: The regulation is necessary to establish the fees that may be charged to investment advisers, firms employing issuer agents, and broker-dealers for the examinations conducted by the Kentucky Department of Financial Institutions.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 292.336(4)(b) authorizes the commissioner to conduct examinations of broker dealers, issuer agents, and investment advisers and to collect the expense attributable to such examinations. KRS 292.500(3) authorizes the commissioner to promulgate, amend and repeal administrative regulations to accomplish the basic purposes of KRS Chapter 292.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation establishes the fees for examinations conducted by the Kentucky Department of Financial Institutions.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment establishes the examination fees to be charged to investment advisers who will move from S.E.C. regulation to regulation by the Kentucky Department of Financial Institutions as a result of the Dodd-Frank Act. It also establishes the examination fee for firms employing issuer agents.

(b) The necessity of the amendment to this regulation: This amendment is necessary because the Dodd-Frank Act moves investment advisers with more than \$25,000,000 but less than \$100,000,000 of client assets under management to state jurisdiction from federal jurisdiction. As a result, the Kentucky Department of Financial Institutions will be required to perform examinations on these larger investment advisers. Therefore, the examination fees for the new investment advisers subject to the Department's jurisdiction needs to be established.

(c) How the amendment conforms to the content of the authorizing statute: The amendment conforms to the authorizing statute because it imposes a fee schedule to collect the reasonable costs incurred by the Kentucky Department of Financial Institutions to conduct examinations of investment advisers, firms employing issuer agents and broker-dealers in accordance with KRS 336(4)(b).

(d) How the amendment will assist in the effective administration of the statutes: The amendment will allow the Kentucky Department of Financial Institutions to perform examinations of investment advisers, firms employing issuer agents and broker-dealers to insure that they are complying with KRS Chapter 292.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: All investment advisers, firms employing issuer agents and broker-dealers registered with the Kentucky Department of Financial Institutions which is approximately 115 investment advisers, 86 issuer agents, and 1,652 broker-dealer agents.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment,

including:

(a) List the actions that each of the regulated entities identified in question (3) will have to comply with this administrative regulation or amendment: The entities will have to pay the examination fees set forth in the regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): The amendment will not change the exam fees paid by the vast majority of the entities. The Department estimates that sixteen (16) investment advisers will move from federal jurisdiction to state jurisdiction.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The entities will receive timely examinations to insure that they comply with KRS Chapter 292.

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: The amendment does not increase the cost to implement this administrative regulation.

(b) On a continuing basis: The amendment does not increase the cost to implement this administrative regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: Fees generated cover the cost.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: An increase in fees or funding will not be necessary to implement this amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This amendment establishes the examination fees for the investment advisers that will move from examination by the S.E.C. to examination by the Department as a result of the Dodd-Frank Act. The amendment also establishes that firms employing issuer agents are subject to the same examination fee hourly rate as broker-dealers in accordance with recently enacted, KRS 292.336(4)(b).

(9) TIERING: Is tiering applied? Tiering is applied. The examination fees for investment advisers are tiered based on the dollar amount of client assets under management because the examination cost to the Department of Financial Institutions is dependent upon the size of the investment adviser.

## FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

Contact Person: Simon Berry

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Department of Financial Institutions.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 292.336(4)(b); KRS 292.500(3).

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? The total fees generated from the examinations of broker-dealers, investment advisers, and firms employing issuer agents will be approximately \$33,375.00 on a yearly basis.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? The total fees generated from the examinations of broker-dealers, investment advisers, and firms employing issuer agents will be approximately \$33,375.00 on a yearly basis.

(c) How much will it cost to administer this program for the first year? There will be no additional cost as any fees generated will cover the costs.

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(d) How much will it cost to administer this program for subsequent years? There will also be no additional cost to administer this program in subsequent years as any fees generated cover the costs.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:



NEW ADMINISTRATIVE REGULATIONS RECEIVED THROUGH NOON, FEBRUARY 15, 2012

**GENERAL GOVERNMENT CABINET  
Kentucky Real Estate Commission  
(New Administrative Regulation)**

**201 KAR 11:225. License renewal, annual requirements and change request procedures.**

RELATES TO: KRS 324.090(1), 324.330(4)

STATUTORY AUTHORITY: KRS 324.090(1), 324.281(5), 324.282, 324.330(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 324.282 authorizes the Kentucky Real Estate Commission to promulgate administrative regulations necessary to effectively carry out and enforce the provisions of KRS Chapter 324. This administrative regulation establishes an annual renewal deadline date and procedures for a licensee to provide his or her contact information to the commission and to report to the commission any changes to their reported information.

Section 1. A renewed license shall be valid from April 1 to March 31, annually, and shall be canceled by the commission if not renewed by March 31 of each year.

Section 2. Licensee Name Changes. A licensee shall notify the commission of his or her legal name change by promptly completing, signing and filing with the commission the "Licensee Name Change" form. This form shall be accompanied by the ten dollar (\$10.00) fee established in KRS 324.287(6).

Section 3. Licensee Residence Changes, E-mail Addresses and Telephone Numbers. (1) A licensee shall notify the commission of a change of his or her residence address by completing, signing and filing with the commission the "Change of Residential/E-mail Address" form, within ten (10) days from the date of the change.

(2) During the commission's annual online renewal process, a licensee shall provide his or her direct telephone number and electronic mail address, if applicable. A licensee shall promptly report any changes to this information by completing, signing and filing with the commission the "Change of Residential/E-mail Address" form.

(3) The "Change of Residential/E-mail Address" form shall be accompanied by a completed and signed "Consent to Service of Jurisdiction," if applicable.

Section 4. Change of principal business location, firm name or branch name. A principal broker shall notify the commission of any change of his or her principal business location, firm name or branch office name by promptly completing, signing and filing with the commission the "Request to Change Firm Name – Firm Address – Branch Address" form. This form shall be accompanied by the ten dollar (\$10.00) fee established in KRS 324.287(6).

Section 6. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "Licensee Name Change", August 2011;
- (b) "Change of Residential/E-Mail Address", August 2011;
- (c) "Consent to Service of Jurisdiction", April 2011; and
- (d) "Request to Change Firm Name – Firm Address – Branch Address", August, 2011.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223, Monday through Friday, 8 a.m. to 4:30 p.m. This material is also available from the commission's Web site: [www.krec.ky.gov](http://www.krec.ky.gov)

BOB ROBERTS, Chairperson  
APPROVED BY AGENCY: February 8, 2012  
FILED WITH LRC: February 14, 2012 at 1 p.m.  
PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on

March 22, 2012 at 11:00 a.m., local time, in the conference room of the Kentucky Real Estate Commission located at 10200 Linn Station Road, Suite 201, in Louisville, Kentucky. Individuals interested in being heard at this hearing shall notify this agency in writing by March 15, 2012, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until April 2, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Y. Denise Payne Wade, Acting General Counsel, Kentucky Real Estate Commission, 10200 Linn Station Road, Suite 201, Louisville, Kentucky 40223, phone (502) 429-7250, fax (502) 429-7246.

**REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT**

Contact Person: Y. Denise Payne Wade

(1) A brief summary of:

(a) What the administrative regulation does: This regulation establishes an annual renewal deadline date and procedures for licensees to provide their contact information to the commission and to report to the commission any changes to their reported information.

(b) The necessity of this administrative regulation: Licenses must expire annually and they must be renewed each year on a date determined by the commission. In addition, licensees must file with the commission, at annual renewal, their telephone numbers and, if applicable, their electronic mail addresses. This regulation establishes the required dates governing license renewal and it establishes the procedures for providing contact information that licensees are required to provide to the commission.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 324.281(5), KRS 324.282, KRS 324.090(1) and KRS 324.330(4) authorize the commission to promulgate this regulation, which establishes annual requirements and procedures for the annual license renewal process and for processing licensee change requests.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This regulation will assist in the effective administration of the statutes by providing clearly-stated deadlines and procedures for the annual license renewal process and for processing licensee change requests.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change the existing administrative regulation: A brief narrative summary is not required because this is a new regulation, not an amendment to an existing administrative regulation.

(b) The necessity of the amendment to the administrative regulation: A brief narrative summary is not required because this is a new regulation, not an amendment to an existing administrative regulation.

(c) How the amendment conforms to the content of the authorizing statutes: A brief narrative summary is not required because this is a new regulation, not an amendment to an existing administrative regulation.

(d) How the amendment will assist in the effective administration of the statutes: A brief narrative summary is not required because this is a new regulation, not an amendment to an existing administrative regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by the administrative



tive regulation: This regulation will apply to all licensees who are required to annually renew their licenses.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change if it is an amendment, including:

(a) List the action that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment. Licensees will be required to provide their direct telephone numbers and their electronic mail addresses, if applicable. These actions are the only new actions that licensees will be required to undertake to comply with the proposed regulation.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): There will be no costs imposed upon licensees to comply with the regulation by providing their direct telephone numbers and their electronic mail addresses, if applicable, which are the only new requirements that are imposed upon licensees in the proposed regulation.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): Licensees who comply with the regulation by providing the additional contact information to the commission can receive commission updates, announcements, and other important information in a more expeditious manner.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no costs, initially or on a continuing basis, to implement this regulation.

(b) On a continuing basis: There will be no costs, initially or on a continuing basis, to implement this regulation.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: No funding will be necessary.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation does not establish any fees. Nor does it directly or indirectly increase any fees.

(9) TIERING: Is tiering applied? Tiering was not used because this regulation should not disproportionately affect any particular group of people.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? The Kentucky Real Estate Commission is the only entity that will be affected.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 324.090(1) and KRS 324.330(4)

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? This regulation will not generate any revenue for Kentucky.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? This regulation will not generate any revenue for Kentucky.

(c) How much will it cost to administer this program for the first year? There will be no costs to administer any program.

(d) How much will it cost to administer this program for subsequent years? There will be no costs to administer any program.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): \$0

Expenditures (+/-): \$0

Other Explanation:

#### GENERAL GOVERNMENT CABINET Kentucky Board of Interpreters for the Deaf and Hard of Hearing (New Administrative Regulation)

#### 201 KAR 39:001. Definitions.

RELATES TO: KRS 309.300(4), KRS 309.3015

STATUTORY AUTHORITY: KRS 309.304(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 309.304(3) requires the Kentucky Board of Interpreters for the Deaf and Hard of Hearing to promulgate administrative regulations pertaining to the practice and licensure of interpreters, interpreter intern or student in training. This administrative regulation sets forth the definition of terms and phrases which will be used by the board in enforcing and interpreting the provisions of Chapter 13A and the administrative regulations.

Section 1. Organizations and Individuals. (1) "NAD" means the National Association of the Deaf.

(2) "RID" means Registry of Interpreters for the Deaf, Inc.

(3) "TECUnit" means the National Training, Evaluation and Certification Unit.

(4) "Deaf Interpreter" means an individual who is deaf or hard of hearing and holds licensure.

(5) "Board-approved mentor" means:

(a) A licensed interpreter in this state or the resident of another state who can meet the requirements for licensure in this state as set forth in KRS Chapter 309 and the administrative regulations promulgated pursuant thereto;

(b) Who holds a valid certificate meeting the requirements for full licensure for a minimum of three (3) years prior to serving as a mentor; and

(c) Who has completed forty-five (45) hours of continuing education since obtaining certification;

(6) "Case manager" means a member of the board appointed by the chair of the board to review complaints, investigative reports, and to participate in informal proceedings to resolve a formal complaint.

(7) "Chair" means the chair or vice-chair of the board.

(8) "Complaint screening committee" means a committee consisting of three (3) persons on the board appointed by the chairman of the board to review complaints, investigative reports, and to participate in informal proceedings to resolve a formal complaint or recommend action to the Board.

(9) "Investigator" means an individual designated by the board to assist the board in the investigation of a complaint.

Section 2. Certifications and Assessments. (1) National Interpreter Certification (NIC). Individuals who achieve the NIC level have passed the NIC Knowledge exam as administered by RID. They have scored within the standard range on the interview and performance portions of the test.

(2) National Interpreter Certification (NIC Advanced). Individuals who achieved the NIC Advanced level have passed the NIC Knowledge exam as administered by RID; scored within the standard range on the interview portion; and scored within the high range on the performance portion of the test.

(3) National Interpreter Certification Master (NIC Master). Individuals who achieved the NIC Master level have passed the NIC Knowledge exam as administered by RID. They have scored within the high range on both the interview and performance portions of the test.

(4) Comprehensive Skills Certificate (CSC) granted by RID. Holders of this certificate have demonstrated the ability to interpret between American Sign Language and Spoken English and to

transliterate between spoken English and an English-based sign language.

(5) Certificate of Transliteration (CT) granted by RID. Holders of this certificate have demonstrated the ability to transliterate between English-based sign language and spoken English in both sign-to-voice and voice-to-sign. The transliterator's ability to interpret is not considered in this certification;

(6) Certificate of Interpretation (CI) granted by RID. Holders of this certificate have demonstrated the ability to interpret between American Sign Language and spoken English in both sign-to-voice and voice-to-sign. The interpreter's ability to transliterate is not considered in this certification;

(7) Interpreting Certificate/Transliteration Certificate (IC/TC) granted by RID. Holders of this certificate have demonstrated the ability to transliterate between English and a signed code for English and the ability to interpret between American Sign Language and spoken English;

(8) Interpretation Certificate (IC) granted by RID. Holders of this certificate have demonstrated ability to interpret between American Sign Language and spoken English;

(9) Transliteration Certificate (TC) granted by RID. Holders of this certificate have demonstrated the ability to transliterate between spoken English and a signed code for English.

(10) Master Comprehensive Skills Certificate (MCSC) granted by RID. Holders of this certificate have demonstrated a higher standard of performance than holders of the CSC. Holders of this certificate are recommended for a broad range of interpreting and transliterating assignments.

(11) Specialist Certificate: Legal(SC:L) granted by RID. Holders of this certificate have demonstrated specialized knowledge of legal settings and greater familiarity with language used in the legal system. Holders of the SC:L are recommended for a broad range of assignments in the legal setting;

(12) Specialist Certificate: Performing Arts (SC:PA) granted by RID. Holders of this certificate have demonstrated specialized knowledge in performing arts interpretation. Holders of this certificate are recommended for a broad range of assignments in the performing arts setting;

(13) Oral Transliteration Certificate (OTC) granted by RID. Holders of this certificate have demonstrated ability to transliterate a spoken message from a person who hears to a person who is deaf or hard-of-hearing and the ability to understand and repeat the message and intent of the speech and mouth movements of the person who is deaf and hard-of-hearing;

(14) Oral Interpreting Certificate. Comprehensive (OIC:C) granted by RID. Holders of this certificate have demonstrated the ability to transliterate a spoken message from a person who hears to a person who is deaf or hard-of-hearing and the ability to understand and repeat the message and intent of the speech and mouth movements of the person who is deaf or hard-of-hearing;

(15) Oral Interpreting Certificate. Spoken to Visible (OIC:S/V) granted by RID. Holders of this certificate have demonstrated the ability to transliterate a spoken message from a person who hears to a person who is deaf or hard-of-hearing.

(16) Oral Interpreting Certificate. Visible to Spoken (OIC:V/S) granted by RID. Holders of this certificate have demonstrated the ability to understand the speech and silent mouth movements of a person who is deaf or hard-of-hearing and to repeat the message for a hearing person.

(17) NAD Level V (Master). Holders of this certificate have demonstrated superior voice-to-sign skills and excellent sign-to-voice skills. Holders of this certificate are recommended for a broad range of interpreting assignments.

(18) NAD Level IV (Advanced). Holders of this certificate have demonstrated excellent voice-to-sign skills and above average sign-to-voice skills. Holders of this certificate are recommended for most situations.

(19) NAD Level III (Generalist). Holders of this certificate have demonstrated average voice-to-sign skills and good sign-to-voice skills. This individual has demonstrated the minimum competence needed to meet generally accepted interpreter standards but is not qualified for all situations.

(20) Educational Certificate: K-12 (Ed: K-12) granted by RID. Holders of this certificate have demonstrated the ability to interpret

classroom content, discourse and the ability to interpret student sign language. Holders have demonstrated proficient expressive and receptive interpreting skills in all elementary and secondary school classroom settings.

(21) Education Interpreter Performance Assessment (EIPA) granted by Boys Town National Research Hospital: Holders of an EIPA assessment have demonstrated the ability to expressively interpret classroom content and discourse and the ability to receptively interpret student sign language. It is not limited to any one sign language or system. Holders are recommended to work with students who predominately use American Sign Language (ASL), Manually-Coded English (MCE) or Pidgin Sign English (PSE).

(22) Certified Deaf Interpreter (CDI) granted by RID. Holders of this certificate are interpreters who are deaf or hard of hearing and have passed comprehensive written and performance tests. Holders of this certificate are recommended for a broad range of assignments where an interpreter who is deaf or hard of hearing would be beneficial.

(23) Conditional Legal Interpreting Permit-Relay (CLIP-R) granted by RID. Holders of this conditional permit have completed a RID-recognized training program designed for interpreters and transliterators who work in legal settings and who are also deaf or hard-of-hearing. Holders of this conditional permit are recommended for a broad range of assignments in the legal setting.

(24) Reverse Skills Certificate (RSC) granted by RID: Holders of this certificate are deaf or hard of hearing and have demonstrated the ability to interpret between American Sign Language and English-based sign language or transliterate between spoken English and a signed code for English.

(25) American Sign Language Proficiency Interview (ASLPI) as administered by Gallaudet University. This assessment rates the ability to use American Sign Language grammar and vocabulary in most formal and informal conversations on social and work topics.

(26) Sign Language Proficiency Interview (SLPI) as developed by National Technical Institute for the Deaf. This assessment rates the ability to communicate expressively and receptively in a video-taped one-on-one interview/conversation with a trained interviewer.

(27) Sign Communication Proficiency Interview (SCPI) as developed by National Technical Institute for the Deaf. This assessment rates the ability to communicate expressively and receptively in a video-taped one-on-one interview/conversation with a trained interviewer.

(28) Cued Language Transliterator National Certification Examination (CLTNCE): Ones who pass this Examination have demonstrated skills that satisfy the TECUnit minimum standard of both knowledge and skills in cued language transliteration. Holders of this certificate are recommended for limited settings that require cued speech.

Section 3. Other Terms. (1) "One (1) continuing education hour" means sixty (60) contact minutes of participating in continuing education experiences.

(2) "Voluntary surrender" means the process by which a person who holds a license issued by the board, knowingly and willingly, returns the license to the board, forfeiting all rights and privileges associated with that license, in settlement of a disciplinary action initiated by the board.

(3) "Revoked" means the process by which the board terminates all rights and privileges associated with that license, in settlement of a disciplinary action initiated by the board.

(4) "Charge" means a specific allegation contained in a formal complaint issued by the board alleging a violation of a specified provision of KRS 309.300 to 309.319, the administrative regulations promulgated thereunder, or any other state or federal statute or regulation.

(5) "Complaint" means any written or videotaped allegation of misconduct by a licensed individual that might constitute a violation of KRS 309.300 to 309.319, the administrative regulations promulgated thereunder, or any state or federal statute regulating the practice of interpreting.

(6) "Formal complaint" means a formal administrative pleading authorized by the board which sets forth charges against a licensed individual or other person and commences a formal disciplinary proceeding pursuant to KRS Chapter 13B or requests the

court to take criminal or civil action.

(7) "Informal proceedings" means the proceedings instituted at any stage of the disciplinary process with the intent of reaching a dispensation of any matter without further recourse to formal disciplinary procedures under KRS Chapter 13B.

(8) "Deaf or Hard of Hearing Individuals" mean individuals who have hearing disorders and who cannot hear and understand speech clearly through the ear alone with or without amplification. This shall be verified by a licensed medical professional specializing in the provision of services to the deaf and hard of hearing.

(9) "Licensure year" means the period between July 1st of each year and June 30th of the following year or the time from which a license or temporary license was granted until the next June 30th.

TIM OWENS, Board Chair

APPROVED BY AGENCY: February 10, 2012

FILED WITH LRC: February 14, 2012 at 11 a.m.

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall be held on March 22, 2012 at 9:00am (EST) at 911 Leawood Drive, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until the close of business on April 2, 2012. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

**CONTACT PERSON:** Karen Lockett, Board Administrator, Kentucky Board of Interpreters for the Deaf and Hard of Hearing, PO Box 1370, Frankfort, Kentucky 40602, phone (502) 564-3296 ext. 222, fax (502) 696-1923.

#### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Michael West

(1) Provide a brief summary of

(a) What this administrative regulation does: This defines terms for this regulatory chapter.

(b) The necessity of this administrative regulation: This defines terms for this regulatory chapter.

(c) How this administrative regulation conforms to the content of the authorizing statutes: The regulation is in conformity as the authorizing statute gives the board the ability to promulgate regulations generally.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This defines terms for this regulatory chapter.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This is a new regulation.

(d) How the amendment will assist in the effective administration of the statutes: This is a new regulation.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: There are approximately 300 full and temporarily licensed interpreters.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions that each of the regulated entities identified

in question (3) will have to take to comply with this administrative regulation or amendment: None

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): None

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The regulations will be clearer as a result of definitions in this section putting licensees on heightened notice as to all actions of the Board

(5) Provide an estimate of how much it will cost to implement this administrative regulation:

(a) Initially: No new costs will be incurred.

(b) On a continuing basis: No new costs will be incurred.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: The board's operations are funded by fees paid by licensees.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No fees will be required to implement this administrative regulation amendment.

(8) State whether or not this administrative regulation establishes any fees or directly or indirectly increases any fees: This regulation established but does not change fees from their current level.

(9) **TIERING:** Is tiering applied? Tiering is not applied to this regulation.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Interpreters for the Deaf and Hard of Hearing

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation: KRS 309.304(3)

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. None

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? None

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? None

(c) How much will it cost to administer this program for the first year? None

(d) How much will it cost to administer this program for subsequent years? None

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

#### CABINET FOR HEALTH AND FAMILY SERVICES Department for Public Health Division of Epidemiology and Health Planning (New Administrative Regulation)

#### 902 KAR 28:010 Definitions for 902 KAR Chapter 28

RELATES TO: KRS 211.490, 211.492, 211.494, 211.496

STATUTORY AUTHORITY: 211.494(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter

13A to implement a statewide trauma care system. This administrative regulation establishes the definitions pertaining to the statewide trauma care system.

Section 1. Definitions. (1) "ABEM" means the American Board of Emergency Medicine.

(2) "ACS COT" means the American College of Surgeons Committee on Trauma.

(3) "ACS" means the American College of Surgeons.

(4) "Adult" means an individual who has attained eighteen (18) years of age.

(5) "AOBEM" means the American Osteopathic Board of Emergency Medicine

(6) "ATCN" means Advanced Trauma Care for Nurses Course for Registered Nurses of the American College of Surgeons Society of Trauma Nurses.

(7) "ATLS" means Advanced Trauma Life Support course of the American College of Surgeons.

(8) "Board certified" means physicians certified by specialty boards recognized by the American Board of Medical Specialties.

(9) "Business associate agreement" means agreements between data sharing organizations as defined in the Health Insurance Portability and Accountability Act of 1996, or HIPAA, 45 C.F.R. Parts 160, 162, and 164.

(10) "Commissioner" means the Commissioner of the Kentucky Department for Public Health.

(11) "Consultation" means the peer review process that a hospital may request prior to verification to assess the hospital's system of trauma care, its institutional capabilities, and preparedness for verification.

(12) "Department" means the Department for Public Health, Cabinet for Health and Family Services.

(13) "Designation" means the process established in 902 KAR 28: 020 by which a hospital is identified by the department as an appropriate facility to receive traumatically injured patients.

(14) "Emergency medical services" or "EMS" is defined by KRS 311A.010(5)

(15) "Health Insurance Portability and Accountability Act of 1996" or "HIPAA" means the federal law codified at 45 C.F.R. Parts 160, 162, and 164 that covers the use of a patient's protected health information.

(16) "Hospital criteria" means the characteristics that categorize a facility as a:

(a) Level I, II, or III trauma facility as specified in 902 KAR 28:020; or

(b) Level IV trauma facility as specified in 902 KAR 28:030.

(17) "ITLS" or "International Trauma Life Support" means an international standard training course for pre-hospital trauma care designed by American College of Surgeons.

(18) "Kentucky Trauma Advisory Committee" or "KyTAC" means the advisory committee established by KRS 211.494(3).

(19) "Kentucky Trauma Hospital Resource Manual" means the detailed reference document that:

(a) provides guidance, information, references and resources to assist hospital facilities:

1. Seeking designation as a trauma center pursuant to 902 KAR 28:030; or

2. Designated as a trauma center pursuant to 902 KAR 28:030;

(b) is published by the Kentucky Trauma Advisory Committee and available on the Kentucky Hospital Association Web site at <http://www.kyha.com/home/kentucky-trauma-care-system>; and

(c) is incorporated by reference in 902 KAR 28:030, Section 3.

(21) "Kentucky Trauma Registry" or "KTR" means a database of information on the operation, quality, services provided to patients, consistent with the standards of the National Trauma Data Bank (NTDB) as established by the American College of Surgeons Committee on Trauma (ASC COT).

(22) "Level I trauma center" means a regional trauma center that:

(a) Provides total care of every aspect of injury from prevention through rehabilitation; and

(b) Meets the requirements established in 902 KAR 28:020.

(23) "Level II trauma center" means a regional trauma center that:

(a) Provides screening and initial trauma care of the injured patient regardless of the severity of injury; and

(b) Meets the requirements established in 902 KAR 28:020.

(24) "Level III trauma center" means a regional trauma center that:

(a) Provides prompt assessment, resuscitation, emergency operations and stabilization;

(b) Arranges for transfer to a facility that can provide trauma care at a higher level; and

(c) Serves communities that do not have immediate access to a Level I or Level II center; and

(d) Meets the requirements established in 902KAR 28:020.

(25) "Level IV trauma center" means a regional trauma center that:

(a) Provides advanced trauma life support before a patient is transferred to a higher level of care;

(b) Is located in a hospital emergency department; and

(c) Meets the requirements established in 902 KAR 28:030

(26) "Multidisciplinary trauma review committee" means a committee composed of the facility trauma service director and other members of the facility trauma team that reviews trauma related morbidity and mortality in a hospital.

(27) "NTDB" or "National Trauma Data Bank" means the national repository of trauma registry data established by the ACS-COT (American College of Surgeons Committee on Trauma) and found at <http://www.facs.org/trauma/ntdb/index.html>.

(28) "Prehospital care" is defined in KRS 311A.010(6).

(29) "Prehospital care provider" means an individual or organization certified or licensed by the Kentucky Board of Emergency Medical Services to provide out-of-hospital emergency medical services.

(30) "Process Improvement Program" means a quality assurance program established by a trauma center in accordance with the requirements of the ACS-COT or the KyTAC, that:

(a) Continually evaluates the performance and quality of care provided by a trauma center; and

(b) Recommends quality improvements to the trauma care program of the center.

(31) "Protected Health Information" means a patient's information as defined in the Health Insurance Portability and Accountability Act of 1996, or HIPAA, 45 C.F.R. Parts 160, 162, and 164.

(32) "Response time" means the interval between notification and arrival of the general surgeon, surgical specialist or other medical professional in the emergency department or operating room.

(33) "RTTDC" or "Rural Trauma Team Development Course" means a course developed by ACS-COT for rural hospitals.

(34) "TNCC" or "Trauma Nursing Care Course" means a training course for nurses developed by the Emergency Nurses Association.

(35) "Transfer agreement" means the formal, written agreement between hospitals for the transfer and acceptance of patients that meets the requirements established in 902 KAR 28:030.

(36) "Trauma" is defined by KRS 211.492 and 311A.010.

(37) "Trauma center" is defined by KRS 211.492.

(38) "Trauma center verification" is defined by KRS 211.492.

(39) "Trauma coordinator" means an individual:

(a) Designated by the hospital with responsibility for the coordination of all trauma care activities and works in collaboration with the trauma service director; and

(b) Responsible for the requirements established in 902 KAR 28:030.

(40) "Trauma Registry" means a database comprised of trauma data submitted by all hospitals designated as a trauma center consistent with the standards of the National Trauma Data Bank (NTDB) as established by the American College of Surgeons Committee on Trauma (ASC COT).

(41) "Trauma Services Medical Director" means the physician designated by the hospital to coordinate trauma care.

(42) "Trauma system" means the integrated network of hospitals and medical services including transportation, that strives to provide the timely and appropriate services relative to the degree of the patient's injury.

(43) "Triage" means the assessment of patients in terms of priority, treatment needs, transportation and destination, to assure

appropriate services are provided pursuant to 902 KAR 28:030.

STEVE DAVIS, M.D., Acting Commissioner

JANIE MILLER, Secretary

APPROVED BY AGENCY: January 24, 2012

FILED WITH LRC: January 25, 2012 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on March 21, 2012 at 9:00 a.m. in Conference Suite C of the Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by March 14, 2012, five (5) work-days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. You may submit written comments regarding this proposed administrative regulation until close of business April 2, 2012. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Jill Brown, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, Kentucky 40601, phone 502-564-7905, fax 502-564-7573.

#### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Charles Kendell, 564-3970

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the definitions for a new chapter of administrative regulations that establishes and implements the Trauma System in Kentucky

(b) The necessity of this administrative regulation: KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the definitions for 902 KAR Chapter 28.

(c) How this administrative regulation conforms to the content of the authorizing statutes KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the definitions for 902 KAR Chapter 28.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will provide the definitions used in Chapter 28 that implement the Kentucky Trauma System.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This new regulation carries out the intent and provision of authorizing statutes KRS 211.494(8) which authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the definitions for 902 KAR Chapter 28.

(d) How the amendment will assist in the effective administration of the statutes: This new regulation will provide consistency among all the regulations in Chapter 28 by providing definitions used throughout the chapter.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Those affected by this regulation are the 120 hospitals, 1200 EMS services and potential trauma victims in Kentucky.

(4) Provide an analysis of how the entities identified in question

(3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: The entities will be impacted by the implementation of this new regulation by being assured that a consistent, well-defined system of trauma service and trauma designation exists in the state, with every patient evaluated quickly and treated at the facility most appropriate for the injuries sustained.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: All hospitals seeking designation, verification, and recertification as a member of the Kentucky Trauma System will need to adhere to this regulation and the related regulations.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are required by the entities to comply with this new regulation. This regulation is a definitions regulation and the only requirement is to be knowledgeable about the definitions.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The entities will benefit by being familiar with the definitions used for certification, verification, or recertification of all hospitals should they seek such designation under the Kentucky Trauma System.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no cost to the administrative body to implement this regulation as it is definitions regulation and requires no action.

(b) On a continuing basis: There will be no cost to the administrative body to implement this regulation on an on-going basis as it requires no action.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation? No funds are required to implement this new regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change if it is an amendment: Additional funding will not be necessary to implement this regulation as it establishes definitions for the chapter.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This regulation does not establish any fees either directly or indirectly.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by KRS Chapter 28.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This regulation will impact any hospital owned or operated by a city or county government and any EMS service that may transport trauma patients to a hospital for treatment.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the definitions for 902 KAR Chapter 28.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No new revenue will be generated for state or local government in the first year of implementing this regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Now new revenue will be generated for state or local government in the first year of implementing this regulation.

(c) How much will it cost to administer this program for the first year? There is no cost to the local or state governments to implement this regulation the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no costs to local or state governments to implement this regulation in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

**CABINET FOR HEALTH AND FAMILY SERVICES**  
**Department for Public Health**  
**Division of Epidemiology and Health Planning**  
**(New Administrative Regulation)**

**902 KAR 28:020 Kentucky Trauma System Designation Process**

RELATES TO: KRS 211.490, 211.492, 211.494, 211.496

STATUTORY AUTHORITY: 211.494(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the hospital designation process for Kentucky's Trauma System.

Section 1. Hospital Trauma Center Designation. (1) A hospital shall receive designation as a trauma center by the Department for Public Health following successful completion of the verification and review process established in 902 KAR 28:030.

(a) Hospitals seeking designation in the Kentucky Trauma Care System shall adhere to:

1. The American College of Surgeons Committee on Trauma (ACS COT) trauma center standards incorporated by reference in this regulation for facilities in Level I, Level II, and Level III and found at <http://www.facs.org/trauma/verificationhosp.html>, or

2. The standards for Level IV designation established in 902 KAR 28:030.

(b) Hospitals in Kentucky that volunteer to become part of the trauma care system shall make application to the Commissioner of Public Health using the application incorporated by reference in Section 6 of this administrative regulation.

(c) Designation shall be for a three (3) year period following trauma center verification and hospitals shall be reverified to maintain trauma designation.

(d) Only hospitals which are designated trauma centers under the provisions of 902 KAR 28:010 through 902 KAR 28:060 shall be recognized by the Commonwealth as belonging to the Kentucky Trauma Care System and may hold themselves out to the public as a trauma center.

Section 2. Designation by the Commissioner for Public Health. (1) Upon receipt of the application and request to ASC COT, the Commissioner:

(a) Shall review any ACS COT correspondence regarding the results of any consultation site visit, or the trauma center verification visit and shall review a copy of any certificates issued by ACS COT, within thirty (30) days of receipt of the document at the hospital.

(b) Upon receipt of a copy of ACS COT certificate of trauma center designation, issue a certificate of designation in the Kentucky Trauma Care System.

(c) Upon agreement of both the applying hospital and the ACS COT, may direct a representative of the department or the KyTAC

to participate as an observer during the site visit.

(2) The state-issued designation certificate shall be posted in a public area of the hospital adjacent to the Kentucky facility licensure certificate.

**Section 3. State Designation for Existing Trauma Centers**

(1) A hospital that has been voluntarily verified as a Level I, Level II, or Level III Trauma Center by ACS COT prior to the effective date of this administrative regulation that seeks designation as a Kentucky Trauma Care System Level I, Level II, or Level III trauma center, shall submit an application for designation to the commissioner along with a copy of the ACS COT verification letter and certificate.

(a) The application for designation under Kentucky law shall be made within six (6) months of the effective date of this administrative regulation.

(b) Upon receipt of the application and ASC verification letter and certificate, a trauma center designation certificate shall be issued by the commissioner and shall be posted in a public area of the hospital adjacent to the Kentucky facility licensure certificate.

(c) The period of Kentucky designation shall be concurrent with the expiration date of the ACS COT verification.

(d) The initial fee for trauma center designation as specified in 902 KAR 28:060 shall be waived for the initial designation cycle for a hospital that has been voluntarily certified by ACS COT, prior to the effective date of this administrative regulation.

(2) A hospital previously designated as a Level I, Level II or Level III trauma center seeking redesignation by the Commissioner shall file the application incorporated by reference in Section 6 of this administrative regulation concurrent with the application or request to ACS COT for a reverification site visit.

(3) A hospital that does not meet the requirements of subsection (1) of this section and that is preparing for initial voluntary trauma center designation as a Level I, Level II, or Level III trauma center shall apply to the Commissioner for designation following successful completion of the ACS COT verification process.

(4) The period of redesignation shall be concurrent with the expiration date of the ACS COT verification.

(5) The fee for redesignation shall be the same as the fee for initial designation as specified in 902 KAR 28:060.

Section 4. Level IV Trauma Center Designation. (1) Initial designation.

(a) Once the facility has completed the Level IV Consultation or Verification Program pursuant to Section 1, the original application for Level IV Trauma Center Verification and Designation shall be forwarded to KyTAC. KyTAC shall conduct a review and make recommendations to the Commissioner within sixty (60) days of receipt of the application.

(b) A certificate of trauma center designation shall be issued by the Commissioner, and shall be posted in a public area of the hospital adjacent to the Kentucky facility licensure certificate.

(c) Designation shall be for a three (3) year period following completion of the trauma center verification process.

(2) Redesignation. Within six (6) months preceding the expiration of a designation certificate, the hospital shall initiate the process established in 902 KAR 28:030 for reverification and redesignation.

Section 5. Designation Suspension or Revocation. (1) A designated trauma center hospital that is unable to meet the applicable minimum required criteria of a Level I, Level II or Level III Trauma Center as established by ACS COT, or a Level IV Trauma Center as established in 902 KAR 28:030, shall notify the commissioner within five (5) business days of the event which caused the facility to fall below minimum criteria.

(2) If the commissioner becomes aware of a significant change in the status of the trauma care program at a designated hospital that may potentially affect its designation status, the commissioner may:

(a) Request confirmation of continued designation status from the hospital; or

(b) Assign a representative of KyTAC or a designee to conduct a site visit to review the status of the trauma program and report



the findings back to the commissioner within thirty (30) days of assignment.

(3) The commissioner may consult with KyTAC and the ACS COT on information received from the hospital and site visit, and may:

- (a) Suspend the hospital's designation;
  - (b) Place the facility into a probationary status pending resolution within thirty (30) days of the disciplinary action; or
  - (c) Revoke the hospital's designation.
- (4) In the case of a revocation, and if the facility seeks redesignation the facility shall correct the identified problems, and request, at its expense as provided for in 902 KAR 28:030, a focused review to demonstrate that each problem has been corrected.

(5) Following the review in subsection (4) the commissioner may:

- (a) Reinstate the designation;
  - (b) Request that the facility reapply for verification at a lower level;
  - (c) Deny redesignation; or
  - (d) Refer the matter to KyTAC for determination of other appropriate action.
- (6) A hospital not able to meet trauma center criteria at the initial designation level shall not hold designation as a trauma center until reverified at an appropriate level and redesignated.

Section 6 Incorporated by Reference (1) The following material is incorporated by reference:

(a) Kentucky Trauma Care System, Hospital Application for Level IV Verification and Kentucky Designation as a Trauma Center, KYTAC, January 2012 Edition;

(b) Kentucky Trauma Care System Hospital, Application for Kentucky Trauma Care Designation, KYTAC January 2012 Edition.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department for Public Health, Commissioner's Office, 275 East Main Street, Frankfort, Kentucky 406012, Monday through Friday, 8:a.m. to 4:30 p.m.

STEVE DAVIS, MD, Acting Commissioner  
JANIE MILLER, Secretary

APPROVED BY AGENCY: January 24, 2012

FILED WITH LRC: January 24, 2012 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on March 21, 2012 at 9:00 a.m. in Conference Suite C of the Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by March 14, 2012, five (5) workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. You may submit written comments regarding this proposed administrative regulation until close of business April 2, 2012. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Jill Brown, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, Kentucky 40601, phone 502-564-7905, fax 502-564-7573.

#### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Jill Brown

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the Kentucky Trauma System Designation Process by which hospitals can be designated as a trauma center

(b) The necessity of this administrative regulation: KRS 211.494(8) authorizes the Department for Public Health to promul-

gate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the process of trauma center designation.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the process of trauma center designation.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will provide the process by which hospitals seeking to be designated a Kentucky Trauma Center will follow to comply with the law.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new regulation.

(c) How the amendment conforms to the content of the authorizing statutes: The new regulation carries out the intent and provision of authorizing statutes KRS 211.494(8) that authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the process for designation under that statute.

(d) How the amendment will assist in the effective administration of the statutes: This new regulation will provide the process by which hospitals wishing to be designated can apply to be designated as a Kentucky Trauma Center consistent with the statute.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Those affected by this regulation are the 120 hospitals, 1200 EMS services and potential trauma victims in Kentucky.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: The entities will be impacted by the implementation of this new regulation by being assured that a consistent, well-defined system of trauma service and trauma designation exists in the state, with every patient evaluated quickly and treated at the facility most appropriate for the injuries sustained.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: All hospitals seeking designation, verification, and recertification as a member of the Kentucky Trauma System will need to be familiar with and adhere to this regulation and the related regulations.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): This regulation defines the process for applying for designation under the statute. The application process does require an application fee of \$500 for Levels-I, II, or III and \$1,000 for Level-IV as set in 902 KAR28:060.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The entities will benefit by being familiar with the designation process used for certification, verification, or re-certification of all hospitals should they seek such designation under the Kentucky Trauma System.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be minimal cost to the administrative body to implement this regulation as it is an application and designation process regulation and requires no action until an application is received.

(b) On a continuing basis: There will be minimal cost to the administrative body to implement this regulation on an on-going basis as it requires only administrative processing of limited applications.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation? Application fees will be used to implement this new regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change if it is an amendment: The trauma designation process will be supported by application fees of the hospitals seeking designation. Additional funding will not be necessary to implement this regulation.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This regulation does not establish any fees directly but does describe an application process that will include fees set in 902 KAR 28:060.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by KRS Chapter 28.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This regulation will impact any hospital owned or operated by a city or county government and any EMS service that may transport trauma patients to a hospital for treatment.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the Trauma Center designation application process.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No new revenue will be generated for state or local government in the first year of implementing this regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No new revenue will be generated for state or local government in the first year of implementing this regulation.

(c) How much will it cost to administer this program for the first year? Minimal costs are required to process applications for designation. These costs will be absorbed by the program in the first year.

(d) How much will it cost to administer this program for subsequent years? There will be minimal costs to process applications for Trauma Center designation. These costs will be supported by an application fee set in 902 KAR 28:060.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

#### CABINET FOR HEALTH AND FAMILY SERVICES Department for Public Health Division of Epidemiology and Health Planning (New Administrative Regulation)

#### 902 KAR 28:030 Kentucky's Trauma System Level IV Criteria

RELATES TO: KRS 211.490, 211.492, 211.494, 211.496

STATUTORY AUTHORITY: 211.494(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS

211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the criteria for a Level IV facility in the Kentucky Trauma System.

Section 1. Level IV Trauma Centers. (1) A hospitals that seeks designation as a Level IV Trauma Center shall meet the following criteria:

##### (a) Trauma Program:

1. A trauma program shall be created with agreement from the board of directors, administration, and medical staff;

2. The board of directors, administration, medical, nursing, and ancillary staff shall commit to provide trauma care at the level for which the facility is seeking trauma center verification; and

3. A Board Resolution advising of that commitment shall be submitted with the application incorporated by reference in 902 KAR 28:020(5).

##### (b) Trauma Services Medical Director:

1. The Trauma Service Medical Director shall be a board certified or board eligible (BC/BE) physician on staff at the facility;

2. The job description shall include roles and responsibilities for trauma care, including trauma team formation, supervision and leadership, and continuing education.

3. The medical director shall act as the medical staff liaison to administration, nursing staff, and as the primary contact for that facility with other trauma centers in the region; and

4. The medical director shall maintain certification as an Advanced Trauma Life Support (ATLS) provider if not Board Certified/Board Eligible by American Board of Emergency Medicine (ABEM) or American Osteopathic Board of Emergency Medicine (AOBEM). Rural Trauma Team Development Course (RTTDC) participation shall be required for the Trauma Service Medical Director.

##### (c) Trauma Services Manager:

1. The facility shall have a trauma services manager who may be referred to as Trauma Services Coordinator;

2. The manager shall work with the medical director to coordinate and implement the facility's trauma care response; and

3. The job description of this position shall include time dedicated to the trauma program, separate from other duties the program manager may have at the facility.

##### (d) Emergency Department Coverage:

1. The facility shall have 24-hour physician coverage of the emergency department and a designated physician medical director for the emergency department; and

2. A mid-level provider, such as a nurse practitioner or physician's assistant, may serve as the trauma team leader. However, a designated emergency department physician shall be present for immediate consultation during trauma team activations.

(e) Emergency Department Physicians. Physicians assigned to the emergency department of a Level IV Trauma Center shall:

1. Be licensed in the Commonwealth of Kentucky; and,

2. Maintain current Advanced Trauma Life Support® (ATLS) provider certification; or

3. Be certified by ABEM or AOBEM.

##### (f) Surgical Staff.

1. Orthopedic surgery, plastic surgery, and radiology medical staff availability shall be documented by published call schedules;

2. If surgical services are provided, anesthesia coverage shall be provided;

3. Surgical staff shall document completion of fifteen (15) hours of annual trauma-related Continuing Medical Education for surgeons completed every three (3) years as part of the CME required by the Kentucky Board of Medical Licensure.

4. Surgical specialties participating in the trauma team shall have one representative of its specialty attend more than half of the hospital's multi-disciplinary trauma review committee meetings.

(g) Prior to being assigned to the facility's trauma team, nurses responsible for trauma care at the facility shall have completed one of the following professional education courses specific to trauma care:

1. Trauma Nursing Core Course (TNCC); or



2. Advanced Trauma Care for Nurses (ATCN)

(h) Transfer Protocols.

1. The facility shall have a written transfer protocol describing the method to transfer the trauma patient requiring a higher level of care;

2. The transfer protocol shall address:

a. Available ground or air transport services;

b. Alternative transport services;

c. Receiving trauma centers and trauma surgeon contact information;

d. What supplies, records, and resources that may be utilized to affect the transfer; and

e. Specific anatomic and physiologic criteria that will immediately initiate transfer to definitive care.

3. This transfer protocol shall be developed with involvement of each local ground EMS provider and regional air medical provider to assure seamless patient care during transfer and be consistent with protocol examples found in the Kentucky Trauma Hospital Resource Manual.

(i) Transfer Agreements. A Level IV Trauma Center shall have:

1. A written agreement with a verified Level I, II, or III trauma center or a hospital whose capabilities exceed that of a Level IV facility regarding the transfer and care of adult and pediatric trauma patients.

2. A written agreement with back-up transfer agreements specifically for burn patients if the primary regional receiving facility does not have the required capacity; and

3. Transfer plans that shall be defined and consistent with examples found in the Kentucky Trauma Hospital Resource Manual.

(j) Radiology.

1. The facility shall have a Radiologic Technologist available on-site 24-hours a day to provide basic plain films used in the evaluation of trauma patients;

2. A twenty (20) minute response time for trauma team activation shall be required. Response times shall be documented and monitored by the trauma coordinator and the facility's process improvement program; and

3. The facility shall have Computed Tomography and sonography capabilities.

(k) Clinical Laboratory.

1. The facility shall have a Lab Technician available on duty or on-call 24 hours a day to perform basic studies used in the initial evaluation of trauma patients, including Complete Blood Count, typing, coagulation profile, and Arterial Blood Gas;

2. A twenty (20) minute response time from trauma team activation shall be required for a Lab Technician. Response times shall be documented and monitored by the Trauma coordinator;

3. The lab or facility blood bank shall have at least two (2) units of O-negative blood available for trauma patients, to be infused at the facility or while en-route to definitive care;

4. Access to blood and blood products during emergency situations if the lab is not staffed shall be documented; and

5. The facility shall have the capability to conduct micro-sampling.

(l) Respiratory Therapy.

1. The facility shall have a Respiratory Care Practitioner on duty or on-call 24-hours a day to respond to the emergency department if the trauma team is activated;

2. A twenty (20) minute response time from trauma team activation shall be required if a Respiratory Care Practitioner is not on-site; and

3. Other trained health care personnel may fulfill this role until the designated Respiratory Care Practitioner arrives; and

(2) Trauma Team Activation Protocol. A facility designated as a Level IV Trauma Center shall have a written trauma team activation protocol in place that:

(a) Addresses the following:

1. Members of the trauma team and their response requirements when activated; and

2. Criteria based on severity, anatomy, or physiology of the injury for trauma team activation and names of each person authorized to activate the trauma team;

3. Is consistent with examples of trauma team activation protocols found in the Kentucky Trauma Hospital Resource Manual.

cols found in the Kentucky Trauma Hospital Resource Manual.

(3) Performance Improvement.

(a) A facility designated as a Level IV Trauma Center shall develop a performance improvement program that includes:

1. An in-house trauma registry or a secure on-line trauma registry system;

2. A written policy outlining the quality and performance improvement (PI) portion of the trauma program, which shall include:

a. The names of each person responsible for performing PI reviews;

b. The names of the multidisciplinary trauma review committee;

c. The composition by name and position of the Morbidity and Mortality review;

d. The minimum number of cases to be reviewed annually including:

(i) Patients requiring transfer;

(ii) Record of each trauma deaths;

(iii) Non-compliance of trauma team members to response time requirements; (iv) Bypasses;

(v) Transfers; and

(vi) Trauma care provided by physicians not meeting minimal education requirements;

e. Frequency of Performance Improvement meetings;

f. Minimum requirements for member attendance by position;

g. Evidence of a quality assurance program as defined in 902 KAR 20:016 Section 3(8) (b)6. and

h. Feedback obtained from patients transferred to Level I, II or III centers.

(b) Any performance improvement program shall be consistent with examples in the Kentucky Trauma Hospital Resource Manual.

(4) Level IV Trauma Center Emergency Department.

(a) Basic and essential equipment and supplies for the care and treatment of both adult and pediatric patients shall be present in a Level IV Trauma Center emergency room.

(b) A level IV Trauma Center emergency room shall contain items described as the minimum equipment and supply lists found in the Kentucky Trauma Hospital Resource Manual.

(5) Level IV Trauma Center Operating Room.

(a) Any operating room available and used for the surgical care of victims of trauma shall have the following:

1. Operating room staff available within thirty (30) minutes of notification;

2. Anesthesia staff available within thirty (30) minutes of notification;

3. Age-specific equipment including thermal control equipment for patients, fluids and blood products.

(b) C-arm capability shall be required if orthopedic procedures are to be performed.

(c) Post-anesthetic recovery shall contain equipment for monitoring and resuscitation, pulse oximetry, and thermal control; and

(d) Required resuscitation equipment shall include:

(1) Airway and ventilation;

(2) Pulse oximetry;

(3) Suction;

(4) Electro Cardiogram;

(5) Defibrillator;

(6) IV administration sets;

(7) Large bore vascular catheters;

(8) Cricothyroidotomy;

(9) Thoracostomy;

(10) Emergency drugs;

(11) Broselow tape;

(12) Fluid warmer;

(13) Qualitative CO2 detector; and

(14) EMS communication equipment.

(6) Trauma Diversion.

(a) The Level IV facility shall have a policy in place that outlines the circumstances that shall trigger a trauma diversion and the procedures to be followed, including procedures if one or more hospital resources are functioning at maximum capacity or are otherwise unavailable;

(b) This process shall be coordinated with the EMS providers in the service area and potential receiving facilities; and

(c) EMS providers shall coordinate diversion plans under the

provisions of 202 KAR 7:501 Section 5(3).

(d) Examples of trauma diversion protocols shall be found in the Kentucky Trauma Hospital Resource Manual.

(6) Other Level IV Requirements. A facility designated as a Level IV Trauma Facility may:

(a) Host or participate in a joint RTTDC program. Participation by physicians, members of administration, nursing, ancillary support staff, and local prehospital care providers shall be strongly encouraged;

(b) Conduct or participate in local or regional outreach education, specifically ATLS, TNCC, and ITLS/PHTLS courses, and conduct or participate in local or regional presentations of trauma-related CME for physicians, nurses, prehospital staff, and other personnel; and

(c) Participate in injury prevention programs organized by the facility or in cooperation with the Kentucky Injury Prevention Research Center (KIPRC), law enforcement, fire, EMS and other safety organizations. Documentation of injury prevention program activities shall be available for review during the trauma center verification or re-verification process.

Section 2. Level IV Site Visits. (1) Hospitals may request site visits from peer review teams for:

(a) A consultation visit to assess the facility's system of trauma care delivery or to prepare for a verification visit.

1. A consultation visit shall follow the same format as a verification visit.

2. Site visit reviewers shall provide recommendations to aid a facility in attaining verification readiness.

(b) A verification visit to confirm the facility is performing as a trauma center according to the criteria listed in Section 1.

1. Site visit reviewers shall provide a report of findings to the KyTAC.

2. The KyTAC, upon receipt and review of the report, shall recommend to the Commissioner of Public Health that:

a. A Certificate of Verification be issued, and that the Commissioner designate the facility as a Level IV Trauma Center; or

b. The facility be notified of deficiencies in writing and a focus review visit scheduled within six (6) months of the date of the verification visit to identify those deficiencies that can be isolated and correctable.

(c) A re-verification visit requested by a facility previously issued a certificate of verification.

1. The facility shall schedule a re-verification visit six (6) months prior to the expiration date of its current certificate of verification and designation as a Level IV Trauma Center.

2. A facility whose current certificate of verification has lapsed due to the facility failure to initiate re-verification may be subject to submitting a new verification application.

3. A re-verification visit shall follow the same procedures outlined in Section 2 (2).

(2) Site Visit Teams.

(a) Site visit teams shall be composed of a minimum of two (2) or three (3) persons as follows:

1. Consultation visit: Two (2) members;

2. Verification visit: Three (3) members;

3. Re-verification visit: Three (3) members; or

4. Focus review visit: Two (2) members, one (1) of which shall have been on the original verification team.

(b) Each site visit team member shall be a member of either the:

1. American College of Surgeons; or

2. American Board of Emergency Medicine.

(c) The Commissioner of Public Health shall solicit from the KyTAC two (2) names for each team member position for the requested visit.

(d) The Commissioner of Public Health shall select the team members from the list provided and notify KyTAC of the team members selected.

(e) No more than one (1) of team member shall currently be a KyTAC member.

Section 3 Incorporated by Reference (1) "Kentucky Trauma Hospital Resource Manual, "January, 2012, is incorporated by

reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Kentucky Department for Public Health, Commissioner's Office, 275 East Main Street, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

STEVE DAVIS, M.D. Acting Commissioner

JANIE MILLER, Secretary

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on March 21, 2012 at 9:00 a.m. in Conference Suite C of the Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by March 14, 2012, five (5) work-days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. You may submit written comments regarding this proposed administrative regulation until close of business April 2, 2011. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Jill Brown, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, Kentucky 40601, phone 502-564-7905, fax 502-564-7573.

#### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Charles Kendell, 564-3970

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the criteria for Level-IV Trauma Center designation of hospitals under the Trauma System in Kentucky.

(b) The necessity of this administrative regulation: KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the criteria for Level-IV hospital designation within 902 KAR Chapter 28.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the criteria by which hospitals can be designated as Level-IV as defined by that trauma system.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will provide the criteria for designation that will be used to develop the Kentucky Trauma System described Chapter 28.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new regulation.

(c) How the amendment conforms to the content of the authorizing statutes: The amendment carries out the intent and provision of authorizing statutes KRS 211.494(8) that which authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the criteria for Level-IV hospital designation as described in 902 KAR Chapter 28.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will provide consistency among all entities seeking to become designated as Level-IV Trauma Facilities in the Kentucky Trauma System.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Those affected by this regulation are the 120 hospitals, 1200 EMS services and all potential trauma victims in Kentucky.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: The entities will be impacted by the implementation of this new regulation by being assured that a consistent, well-defined system of trauma service and trauma designation exists in the state, and that all hospitals designated as Level-IV contribute to a system of trauma care where every patient is evaluated quickly and treated at the facility most appropriate for the injuries sustained.

List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: All hospitals seeking designation, verification, and recertification as a Level-IV facility of the Kentucky Trauma System will need to adhere to this regulation and the regulations in Chapter 28.

In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No known costs are required by the entities to comply with this new regulation. Any hospital applying for designation as a Level-IV Trauma facility will already have invested in the equipment and personnel required to meet these criteria. Designation as a Level-IV facility is voluntary. This regulation is a designation criteria regulation and the only requirement is to be knowledgeable about the criteria.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The entities identified in question (3) will be benefitted by being familiar with the criteria used for certification, verification, or re-certification of all Level-IV hospitals should they seek such designation under the Kentucky Trauma System.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no cost to the administrative body to implement this regulation as it defines designation criteria and requires no action by the administrative body.

b) On a continuing basis: There will be no cost to the administrative body to implement this regulation on an on-going basis as it requires no action.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation? No funds are required to implement this new regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change if it is an amendment: Additional funding will not be necessary to implement this regulation as it establishes designation criteria for the chapter.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This regulation does not establish any fees either directly or indirectly.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by KRS Chapter 28.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This regulation will impact any hospital owned or operated by a city or county government and any EMS service that may transport trauma patients to a hospital for treatment.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 211.494(8) authorizes the Department for Public

Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes designation criteria for hospitals seeking Level-IV designation.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No new revenue will be generated for state or local government in the first year of implementing this regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No new revenue will be generated for state or local government in the first year of implementing this regulation.

(c) How much will it cost to administer this program for the first year? There is no cost to the local or state governments to implement this regulation the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no costs to local or state governments to implement this regulation in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

#### CABINET FOR HEALTH AND FAMILY SERVICES Department for Public Health Division of Epidemiology and Health Planning (New Administrative Regulation)

#### 902 KAR 28:040 Kentucky's Trauma System Registry

RELATES TO: KRS 211.490, 211.492, 211.494, 211.496

STATUTORY AUTHORITY: 211.494(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the criteria for use of a Trauma System Registry by a Level IV facility in the Kentucky Trauma System.

Section 1. Kentucky Trauma Registry. (1) The Department shall establish a single statewide Kentucky Trauma Registry (KTR) through the Kentucky Injury Prevention Research Center to be the statewide repository for trauma data.

(2) The KTR shall produce a Kentucky Trauma Care System Report each year by November 1st covering the previous calendar year. This report shall be included in the annual report to the General Assembly that is required by KRS 211.494 (7).

(3) Requests of the KTR for non-standard reports of selected sub-sets of data shall be directed to the Kentucky Commissioner for Public Health.

(4) Requests for reports on a specific trauma center shall be addressed to the Trauma Coordinator or Trauma Program Manager of the trauma center in question.

(5) Pursuant to KRS 211.494 (6), data obtained through a trauma registry is considered protected health information.

Section 2. Hospital Trauma Registries. (1) All trauma centers designated by the Commissioner of Public Health in the Kentucky Trauma Care System shall:

(a) Establish and maintain a trauma registry that is compatible with the NTDB standards; or

(b) Have a secure, on-line system that is NTDB and HIPAA compliant.

(2) Individual hospital trauma registries shall electronically upload new or updated trauma data at least a quarterly to KTR.

(3) Individual hospitals of the Kentucky Trauma Care System may be asked to periodically upload certain data elements to NTDB from their trauma registries.

(4) Trauma Registry. The Inclusion Criteria for the KTR shall be specified in the Kentucky Hospital Trauma Manual incorporated by reference in 902 KAR 28:030 Section 3.

STEVE DAVIS, M.D. Acting Commissioner

JANIE MILLER, Secretary

APPROVED BY AGENCY: January 24, 2012

FILED WITH LRC: January 25, 2012 at 10 a.m.

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall, if requested, be held on March 21, 2012 at 9:00 a.m. in Conference Suite C of the Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by March 14, 2012, five (5) work-days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. You may submit written comments regarding this proposed administrative regulation until close of business April 2, 2012. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

**CONTACT PERSON:** Jill Brown, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, Kentucky 40601, phone 502-564-7905, fax 502-564-7573.

#### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Charles Kendell 564-3970

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the requirements for contributing to a trauma registry as a member of the Trauma System in Kentucky

(b) The necessity of this administrative regulation:

KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the reporting requirements of that system as defined in 902 KAR Chapter 28.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the trauma registry reporting requirements for 902 KAR Chapter 28.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will provide the requirements for contributing to a state wide trauma registry for all hospitals in 902 KAR 28 that implement the Kentucky Trauma System.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This new regulation carries out the intent and provision of authorizing statutes KRS 211.494(8) that authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the reporting requirements of all hospitals covered by 902 KAR Chapter 28.

(d) How the amendment will assist in the effective administration of the statutes: This new regulation will provide trauma registry reporting consistency among all the regulations in Chapter 28 by

providing requirements for participating hospitals governed by the chapter.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Those affected by this regulation are the 120 hospitals, 1200 EMS services and all potential trauma victims in Kentucky.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: The entities will be impacted by the implementation of this new regulation will be required to contribute to a consistently defined and standard trauma registry.

List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: All hospitals seeking designation as a member of the Kentucky Trauma System will be required to participate in the trauma registry defined by this regulation. They will therefore need to be familiar with and adhere to this regulation and the regulations in Chapter 28.

In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Only hospitals that participate in the trauma system will be required to have a trauma registry. Costs to maintain a registry at each participating hospital will include staff and technology, estimated at \$2500 annually. For Level VI hospitals the software will be paid for by a KyTAC grant.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The entities will benefit by having access to standardized data on trauma experience in Kentucky. This will help in the analysis of needed resources or areas of concern.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no cost to the administrative body to implement this regulation as it is a requirement of the hospitals that voluntarily participate in the trauma system and requires no administrative body action.

(b) On a continuing basis: There will be no cost to the administrative body to implement this regulation on an on-going basis as it requires no action.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation? No funds are required to implement this new regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change if it is an amendment: Additional funding will not be necessary to implement this regulation as it establishes requirements for participating hospitals but will not require any additional cost of the administrative body.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This regulation does not establish any fees either directly or indirectly.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by KRS Chapter 28.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This regulation will impact any hospital owned or operated by a city or county government and any EMS service that may transport trauma patients to a hospital for treatment.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system.

This administrative regulation establishes trauma registry requirement for 902 KAR Chapter 28.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No new revenue will be generated for state or local government in the first year of implementing this regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No new revenue will be generated for state or local government in the first year of implementing this regulation.

(c) How much will it cost to administer this program for the first year? There is no cost to the local or state governments to implement this regulation the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no costs to local or state governments to implement this regulation in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

**CABINET FOR HEALTH AND FAMILY SERVICES**  
**Department for Public Health**  
**Division of Epidemiology and Health Planning**  
**(New Administrative Regulation)**

**902 KAR 28:050 Kentucky's Trauma System Appeals Process**

RELATES TO: KRS 211.490, 211.492, 211.494, 211.496

STATUTORY AUTHORITY: 211.494(8)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the appeal process for a facility that has been denied verification or designation as a trauma center.

Section 1. Appeal Process (1) Decisions of the Kentucky Department for Public Health may be appealed if:

(a) An applicant has been denied verification or designation as a trauma center;

(b) A designated trauma center has been denied re-verification; or,

(c) A designated trauma center designation has been revoked or suspended.

(2) The department shall communicate its decision in writing to the affected party within thirty (30) calendar days of its decision.

(3) The affected party may request a hearing pursuant to KRS Chapter 13B and submit that request to the Commissioner of Public Health, in writing, within thirty (30) calendar days of the date the final order has been issued by the Department.

(4) Upon receipt of the request for hearing the Commissioner of the Department for Public Health shall request a review of the facts to be conducted by;

(a) The entire KYTAC; or

(b) Three or more members of KYTAC.

(5) Upon receipt of a report and recommendation from KYTAC or in instances where the affected party has requested an appeal hearing, the Commissioner may request an appeal hearing as described in Chapter 13B.

(6) All administrative enforcement and hearing procedures in which a final order is issued by the Department shall be conducted in accordance with the KRS Chapter 13B.

STEVE DAVIS M.D. Acting Commissioner

JANIE MILLER, Secretary

APPROVED BY AGENCY: January 24, 2012

FILED WITH LRC: January 25, 2012 at 10 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall, if requested, be held on March 21, 2012 at 9:00 a.m. in Conference Suite C of the Health Services Building, First Floor, and 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by March 14, 2012, five (5) work-days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. You may submit written comments regarding this proposed administrative regulation until close of business April 2, 2012. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

CONTACT PERSON: Jill Brown, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, Kentucky 40601, phone 502-564-7905, fax 502-564-7573.

**REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT**

Contact Person: Charles Kendell, 564-3970

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the appeal process for affected parties for a new chapter of regulations that establishes and implements the trauma system in Kentucky.

(b) The necessity of this administrative regulation: KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the appeals process actions covered under 902 KAR Chapter 28.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the appeals process for actions covered under 902 KAR Chapter 28.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will provide the process by which affected parties will appeal actions covered under Chapter 28 that implement the Kentucky Trauma System.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new regulation.

(c) How the amendment conforms to the content of the authorizing statutes: This new regulation carries out the intent and provision of authorizing statutes KRS 211.494(8) which authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This new administrative regulation establishes the appeals process for actions covered under 902 KAR Chapter 28.

(d) How the amendment will assist in the effective administration of the statutes: This new regulation will provide consistency among all the regulations in Chapter 28 by providing a means of appeal for actions covered in the chapter.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Those affected by this regulation are the 120 hospitals, 1200 EMS services and potential trauma victims in Kentucky.

(4) Provide an analysis of how the entities identified in question

(3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: The entities will be impacted by the implementation of this new regulation by being assured that a consistent, well-defined system of appeal of Departmental action regarding the implementation of the Kentucky Trauma System is in place.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: All hospitals seeking designation, verification, and recertification as a member of the Kentucky Trauma System will need to be familiar with and adhere to this regulation and the related regulations.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): No costs are required by the entities to comply with this new regulation. This regulation is an appeal process regulation and the only requirement is to be knowledgeable about the process.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The entities will benefit by being familiar with the ability to appeal decisions of the department regarding certification, verification, or re-certification any hospitals seeking such designation under the Kentucky Trauma System.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be no cost to the administrative body to implement this regulation as it is an appeals process regulation and requires not action.

(b) On a continuing basis: There will be no cost to the administrative body to implement this regulation on an on-going basis as it requires no action.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation? No funds are required to implement this new regulation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change if it is an amendment: Additional funding will not be necessary to implement this regulation as it establishes an appeal process only for the chapter.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This regulation does not establish any fees either directly or indirectly.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by KRS Chapter 28.

#### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This regulation will impact any hospital owned or operated by a city or county government and any EMS service that may transport trauma patients to a hospital for treatment.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the appeals process for decisions covered in 902 KAR Chapter 28.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? No new revenue will be generated for state or local government in the first year of implementing this regulation.

(b) How much revenue will this administrative regulation gen-

erate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? No new revenue will be generated for state or local government in the first year of implementing this regulation.

(c) How much will it cost to administer this program for the first year? There is no cost to the local or state governments to implement this regulation the first year.

(d) How much will it cost to administer this program for subsequent years? There will be no costs to local or state governments to implement this regulation in subsequent years.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:

#### **CABINET FOR HEALTH AND FAMILY SERVICES Department for Public Health Division of Epidemiology and Health Planning (New Administrative Regulation)**

#### **902 KAR 28:060 Kentucky Trauma System Fees**

RELATES TO: KRS 211.490, 211.492, 211.494, 211.496

STATUTORY AUTHORITY: 211.494

NECESSITY, FUNCTION, AND CONFORMITY: KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the fee structure for the Kentucky Trauma System.

#### Section I. State Trauma Center Application.

(1) The facility applying for Level I, Level II, Level III, or Level IV designation in the state trauma system shall:

(a) Complete the application process as described in 902 KAR 28:020; and

(b) Submit an application fee of \$500 if applying for Level I, Level II, or Level III designation; and

(c) \$1000 if applying for Level IV.

(d) The application fee shall be paid by check made payable to the Kentucky State Treasurer and sent to the Department for Public Health with the application.

Section 2. Level I, Level II, and Level III Verification and Designation Fees. Site visits for Level I, Level II and Level III trauma system verification will be conducted by ACS COT. Any cost or additional fees associated with these site visits shall be determined by ACS COT and paid by the applicant in accordance with ACS COT policies.

Section 3. Fees for Level IV Trauma System Verification and Designation.

(1) Prior to submission of an application, an applicant seeking Level IV designation shall have a verification site visit in accordance with 902 KAR 28:030.

(2) Fees for any site visit shall be the responsibility of the applicant.

(3) Site visit expenses are \$1,000 per team member per day honorarium in addition to travel expenses specified by the Finance and Administration Cabinet in 200 KAR 2:006 (7).

(4) The hospital may request the Commissioner for Public Health to appoint additional team members. The requesting hospital shall be responsible for any additional cost associated with the request as outlined in subparagraph (2) of this Section.

(5) The applicant shall be notified by the department of the estimated costs associated with any site visit prior to the visit.

(6) Payment for these charges shall be made by check payable to the Kentucky State Treasurer and forwarded to the Department for Public Health upon confirmation of the scheduled site visit.

STEVE DAVIS, M.D. Acting Commissioner

## VOLUME 38, NUMBER 9 – MARCH 1, 2012

JANIE MILLER, Secretary

APPROVED BY AGENCY: January 23, 2012

FILED WITH LRC: January 25, 2012 at 10 a.m.

**PUBLIC HEARING AND PUBLIC COMMENT PERIOD:** A public hearing on this administrative regulation shall, if requested, be held on March 21, 2012 at 9:00 a.m. in Conference Suite C of the Health Services Building, First Floor, 275 East Main Street, Frankfort, Kentucky. Individuals interested in attending this hearing shall notify this agency in writing by March 14, 2012, five (5) work-days prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be canceled. The hearing is open to the public. Any person who attends will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to attend the public hearing, you may submit written comments on the proposed administrative regulation. You may submit written comments regarding this proposed administrative regulation until close of business April 2, 2011. Send written notification of intent to attend the public hearing or written comments on the proposed administrative regulation to:

**CONTACT PERSON:** Jill Brown, Office of Legal Services, 275 East Main Street 5 W-B, Frankfort, Kentucky 40601, phone 502-564-7905, fax 502-564-7573.

### REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Charles Kendell 564-3970

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes the fees charged to hospitals participating voluntarily in the Kentucky Trauma System in Kentucky.

(b) The necessity of this administrative regulation: KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the fees for being designated a trauma facility as defined in 902 KAR Chapter 28.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the fees required to implement 902 KAR Chapter 28.

How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation will provide the fees used in Chapter 28 that implement the Kentucky Trauma System.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This is a new regulation.

(b) The necessity of the amendment to this administrative regulation: This is a new regulation.

(c) How the amendment conforms to the content of the authorizing statutes: The new regulation carries out the intent and provision of authorizing statutes KRS 211.494(8) that authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the fees to implement 902 KAR Chapter 28.

(d) How the amendment will assist in the effective administration of the statutes: This new regulation will provide the fees necessary to implement KRS 211.494(8).

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: Those affected by this regulation are the 120 hospitals, 1200 EMS services and all potential trauma victims in Kentucky.

(4) Provide an analysis of how the entities identified in question (3) will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including: The entities will be impacted by the implementation of this new regulation by being assured that a consistent, well-

defined, and funded system of trauma service and trauma designation exists in the state, with every patient evaluated quickly and treated at the facility most appropriate for the injuries sustained.

(a) List the actions that each of the regulated entities identified in question (3) will have to take to comply with this administrative regulation or amendment: All hospitals seeking designation, verification, and recertification as a member of the Kentucky Trauma System will need to adhere to this regulation and remit fees for designations and verifications as a trauma facility following promulgation of the related regulations in Chapter 28.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities identified in question (3): Those hospitals already designated as a Level I, II, or III by the American College of Surgeons will pay no fee initially to be included as a Kentucky designated trauma facility. However upon re-verification the cost to each Level I, II, or III level facility will be \$500 plus any site team review costs applied by the American College of Surgeons. Kentucky Facilities seeking designation as a level IV trauma facility will pay a \$1000 application fee plus \$1000 per day per team member for site visit consultation and verification.

(c) As a result of compliance, what benefits will accrue to the entities identified in question (3): The entities will benefit by being designated as compliant with Kentucky regulations and Statute to be designated a member of the Kentucky Trauma System.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: There will be minimal costs to the administrative body to implement this regulation as its duties are mostly administrative correspondence and referral to the KyTAC.

(b) On a continuing basis: There will be minimal cost to the administrative body to implement this regulation on an on-going basis as it requires mostly administrative correspondence and referral.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation? The funds generated by these fees will pay for the minimal cost of implementation.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new or by the change if it is an amendment: No additional funding will be necessary to implement this regulation beyond the fees established by this regulation.

(8) State whether or not this administrative regulation established any fees directly or indirectly increased any fees: This regulation does establish fees directly to be paid by the hospital applicant who voluntarily applies to be designated or verified as a member of the Kentucky Trauma System.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by KRS Chapter 28.

### FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

1. Does this administrative regulation relate to any program, service, or requirements of a state or local government (including cities, counties, fire departments, or school districts)? Yes.

2. What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? This regulation will impact any hospital owned or operated by a city or county government and any EMS service that may transport trauma patients to a hospital for treatment.

3. Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 211.494(8) authorizes the Department for Public Health to promulgate administrative regulations in accordance with KRS Chapter 13A to implement a statewide trauma care system. This administrative regulation establishes the fees for 902 KAR Chapter 28.

4. Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect.

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(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? Minimal revenue (less than \$2500) may be generated for state government in the first year of implementing this regulation.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? Minimal revenue (less than \$2500 every three years) will be generated for state or local government in subsequent years of implementing this regulation.

(c) How much will it cost to administer this program for the first year? There will be minimal costs (less than \$2500) state government to implement this regulation the first year. Costs to local governments which own hospitals will pay an application fee (\$100) and consultation and verification costs of inspectors (\$1000) per day per team member.

(d) How much will it cost to administer this program for subsequent years? There will minimal costs to state governments to implement this regulation in subsequent years depending on the number of hospitals seeking designation. Costs to local governments which own hospitals will pay an application fee (\$1000) and consultation and verification costs of inspectors (\$1000) per day per team member.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-):

Expenditures (+/-):

Other Explanation:



ADMINISTRATIVE REGULATION REVIEW SUBCOMMITTEE  
Minutes of February 13, 2012

**Call to Order and Roll Call**

The February meeting of the Administrative Regulation Review Subcommittee was held on Monday, February 13, 2012, at 1:00 p.m., in Room 149 of the Capitol Annex. Senator Joe Bowen, Co-Chair, called the meeting to order, the roll call was taken. The minutes of the January 2012 meeting were approved.

**Present were:**

**Members:** Senators Joe Bowen, David Givens, and Joey Pendleton, and Representatives Robert Damron, Danny Ford, and Jimmie Lee.

**LRC Staff:** Dave Nicholas, Donna Little, Sarah Amburgey, Emily Harkenrider, Karen Howard, Betsy Cupp, and Laura Napier.

**Guests:** Robert Brown, Gary Stephens, Dr. Kim Walters-Parker, Education Professional Standards Board; Bob Brooks, DeVon Hankins, Mark Johnson, Finance and Administration Cabinet; Nathan Goldman, Board of Nursing; Harold Brantley, Becky Klusch, Board of Physical Therapy; Larry Disney, Jim Grawe, Real Estate Appraisers Board; Angela Evans, Sandra L. Miller, Board of Licensure for Marriage and Family Therapists; Jim Grawe, Martin Wesley, Board of Licensed Professional Counselors; Mike Fields, David Hise, Mark Mangeot, Department of Fish and Wildlife Resources; Clint Quarles, Dr. Robert Stout, Department of Agriculture; Carrie S. Ditterline, Steve Lynn, Joan Meadows, Department of Criminal Justice Training; Godwin Onodu, Todd Shipp, Transportation Cabinet; Richard Nesbitt, Patrick Shirley, Office for the Blind; Christopher Smith, Education and Workforce Development Cabinet; Marc A. Guilfoil, Horse Racing Commission; Glenn Bryan, Allison Lile, Beth Jurek, Kevin Mudd, Ray Peters, Chandra Venettozzi, Cabinet for Health and Family Services; and Marvin Dever, Appraiser.

**The Administrative Regulation Review Subcommittee met on Monday February 13, 2012, and submits this report:**

**Administrative Regulations Reviewed by the Subcommittee:**

**EDUCATION PROFESSIONAL STANDARDS BOARD: Educator Preparation**

16 KAR 5:020. Standards for admission to educator preparation. Robert Brown, division director; Gary Stephens, staff attorney; and Dr. Kim Walters-Parker, educator preparation director, represented the board.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO paragraph to insert a statutory citation; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; and (3) to amend Sections 1 and 2 to conform with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

**FINANCE AND ADMINISTRATION CABINET: Department of Revenue: Office of Income Taxation: Forms**

103 KAR 3:040 & E. Income Tax Forms Manual. Bob Brooks, executive director, corporate and independent income taxation, and Mark Johnson, tax policy and research consultant, represented the office.

A motion was made and seconded to approve the following amendments: (1) to amend Section 3 to make conforming amendments to correct inconsistencies between the currently effective administrative regulation and the filed proposed administrative regulation; and (2) to amend Sections 1, 2, and 3 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

**GENERAL GOVERNMENT CABINET: Board of Nursing: Board**

201 KAR 20:056. Advanced practice registered nurse licen-

sure, program requirements, recognition of a national certifying organization. Nathan Goldman, general counsel, represented the board.

A motion was made and seconded to approve the following amendments: (1) to amend Section 5 to correct form titles; (2) to amend the RELATES TO paragraph to correct a statutory citation; (3) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; and (4) to amend Sections 2, 3, and 5 to conform with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 20:057. Scope and standards of practice of advanced practice registered nurses.

A motion was made and seconded to approve the following amendments: (1) to amend Section 2 to correct form titles; (2) to amend Sections 1 and 2 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (3) to amend Section 9 to make conforming amendments to correct inconsistencies between the currently effective administrative regulation and the filed proposed administrative regulation. Without objection, and with agreement of the agency, the amendments were approved.

**Board of Physical Therapy: Board**

201 KAR 22:020. Eligibility and credentialing procedure. Becky Klusch, executive director, represented the board.

In response to a question by Co-Chair Bowen, Ms. Klusch stated that the board previously deleted the temporary licensure program because it was not applicable as testing was available each day. Licensure examinations were now fixed to four (4) specific dates each year; therefore, temporary licensure was again necessary.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 2, 4, 5, and 7 to conform with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 22:070. Requirements for foreign-educated physical therapists.

In response to a question by Senator Pendleton, Ms. Klusch stated that requirements for foreign-educated physical therapists were not substantively different from domestic-educated physical therapists. Foreign-educated physical therapists were not eligible for temporary licensure until successful completion of the required examination.

A motion was made and seconded to approve the following amendments: to amend Section 1 to: (1) conform with the drafting and formatting requirements of KRS Chapter 13A; and (2) make conforming amendments to correct inconsistencies between the currently effective administrative regulation and the filed proposed administrative regulation. Without objection, and with agreement of the agency, the amendments were approved.

**Real Estate Appraisers Board: Board**

201 KAR 30:375. Appraisal procedures for appraisal management companies. Sam Blackburn, vice-chair; Harold Brantley, chair; and Larry Disney, executive director, represented the board. Marvin Dever, real estate appraiser and past board president, appeared in support of this administrative regulation.

In response to questions by Representative Damron, Mr. Disney stated that the purpose of this administrative regulation was to help real estate appraisers recoup payments from out-of-state payors. There would not be immediate punitive action for failure to meet the payment deadline; however, a letter would be sent prior to the commencement of enforcement and, if necessary, the KRS Chapter 13B hearing process would be used.

Mr. Dever stated that out-of-state payors owed Kentucky real estate appraisers thousands of dollars. Some companies had ceased operating and were not meeting payment obligations. This administrative regulation would assist appraisers with getting paid appropriately, and Mr. Dever supported this administrative regulation.

A motion was made and seconded to approve the following amendments: (1) to make conforming amendments to the NECESSITY, FUNCTION, AND CONFORMITY paragraph to correct inconsistencies between the administrative regulation as originally filed by the agency and the administrative regulation as amended after comments; (2) to amend the RELATES TO paragraph to correct a statutory citation; and (3) to amend Section 1 to make technical corrections. Without objection, and with agreement of the agency, the amendments were approved.

**Board of Licensure for Marriage and Family Therapists: Board**

201 KAR 32:010. Definitions for 201 KAR Chapter 32. Angela Evans, assistant attorney general, and Sandra L. Miller, board chair and family therapist, represented the board.

A motion was made and seconded to approve the following amendments: to amend Section 1 to: comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 32:020. Equivalent course of study.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 2, 3, and 5 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 32:025. Marriage and family therapist associate.

A motion was made and seconded to approve the following amendments: (1) to amend Sections 3 and 4 to change "supervisor of record" to "approved supervisor"; and (2) to amend Section 4 to comply with the formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 32:035. Supervision of marriage and family therapist associates.

A motion was made and seconded to approve the following amendments: to amend Sections 2, 3, and 10 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 32:045. Examination.

A motion was made and seconded to approve the following amendments: (1) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph to clearly state the necessity for and function served by this administrative regulation, as required by KRS 13A.220; and (2) to amend Sections 1 and 3 to correct minor drafting errors. Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 32:050. Code of ethics.

201 KAR 32:060. Continuing education requirements.

A motion was made and seconded to approve the following amendments: to amend Sections 2, 3, and 7 to comply with the drafting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

**Board of Licensed Professional Counselors: Board**

201 KAR 36:060. Qualifying experience under supervision. Jim Grawe, assistant attorney general, and Martin Wesley, assistant professor and vice-chair, represented the board.

A motion was made and seconded to approve the following amendments: to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 through 5, 7, and 9 to comply with the drafting and formatting requirements of KRS Chapter 13A.

Without objection, and with agreement of the agency, the amendments were approved.

201 KAR 36:070. Education and examination requirements.

A motion was made and seconded to approve the following amendments: (1) to amend Section 1 to use consistent terminology; and (2) to amend the RELATES TO paragraph and Sections 1 and 4 to comply with the drafting and formatting requirements of KRS Chapter 13A. Without objection, and with agreement of the agency, the amendments were approved.

**TOURISM, ARTS AND HERITAGE CABINET: Department of Fish and Wildlife Resources: Water Patrol**

301 KAR 6:040. Zoning or marking of waterways. Captain Mike Fields, boating law administrator; David Hise, counsel; and Mark Mangeot, director, legislative affairs, represented the department.

In response to a question by Co-Chair Bowen, Captain Fields stated that several incidents on waterways throughout the Commonwealth precipitated this administrative regulation.

A motion was made and seconded to approve the following amendments: to amend Sections 1, 2, and 5 to correct minor drafting errors. Without objection, and with agreement of the agency, the amendments were approved.

**GENERAL GOVERNMENT CABINET: Department of Agriculture: Office of State Veterinarian: Division of Animal Health: Livestock Sanitation**

302 KAR 20:052 & E. Animal Carcass Composting. Clint Quarles, staff attorney, and Dr. Robert Stout, state veterinarian, represented the division.

In response to a question by Senator Givens, Dr. Stout stated that only commercial animal carcass composting facilities were required to register, and registration could occur via telephone, field officer, or online.

A motion was made and seconded to approve the following amendments: to amend the TITLE and Section 2 to make conforming amendments to correct inconsistencies between the currently effective administrative regulation and the filed proposed administrative regulation. Without objection, and with agreement of the agency, the amendments were approved.

**JUSTICE AND PUBLIC SAFETY CABINET: Department of Criminal Justice Training: General Training Provision**

503 KAR 3:040. Telecommunications (Public Safety Dispatch) Academy trainee requirements; misconduct; penalties; discipline procedures. Carrie S. Ditterline, instructor; Steve Lynn, assistant general counsel; and Joan Meadows, instructor, represented the department.

In response to a question by Co-Chair Bowen, Mr. Lynn stated that the dress code requirements were developed so that all academy trainees would have the same standard uniform in order to eliminate discrepancies between larger and smaller districts.

A motion was made and seconded to approve the following amendments: (1) to amend the STATUTORY AUTHORITY paragraph to delete an unnecessary citation; (2) to amend Sections 1, 6, 7, 8, and 13 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (3) to amend Section 8 to make a conforming amendment to correct an inconsistency between the currently effective administrative regulation and the proposed administrative regulation filed by the agency. Without objection, and with agreement of the agency, the amendments were approved.

503 KAR 3:050. Telecommunications (Public Safety Dispatch) Academy-CJIS graduation requirements; records.

A motion was made and seconded to approve the following amendments: to amend Section 1 to: (1) comply with the drafting and formatting requirements of KRS Chapter 13A; and (2) include an additional relevant definition. Without objection, and with agreement of the agency, the amendments were approved.

**TRANSPORTATION CABINET: Department of Vehicle Regulation: Division of Motor Vehicle Licensing: Motor Vehicle Tax**

601 KAR 9:160. Surrender or reactivation of vehicle title. Godwin Onodu, assistant director, and Todd Shipp, attorney, represented the division.

sented the division.

In response to questions by Representative Lee, Mr. Onodu stated that, if a vehicle purchaser failed to remove the seller's name from the title by the statutory deadline, the seller had the authority to remove the name by petitioning the county clerk. Mr. Shipp stated that he was uncertain but believed that, if the title was signed and notarized but paperwork was incomplete, the title was still recognized as changed for purposes of liability but not for purposes of taxation. The seller would still get a tax bill, which may serve to alert the seller that the paperwork on the title transfer was incomplete. The seller may then file an affidavit to be processed by the county clerk to alleviate the tax burden.

In response to a question by Representative Ford, Mr. Shipp stated that he was uncertain but believed that the Kentucky Supreme Court had previously determined that a signature and notarization of the title without complete paperwork relieved the seller of liability but not taxation. This administrative regulation would relieve the seller from the tax burden as well as the legal liability.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO; STATUTORY AUTHORITY; and NECESSITY, FUNCTION, AND CONFORMITY paragraphs to make technical corrections; (2) to amend the NECESSITY, FUNCTION, AND CONFORMITY paragraph and Sections 1 and 2 to make CONFORMING AMENDMENTS to correct inconsistencies between the currently effective administrative regulation and the proposed administrative regulation filed by the agency; (3) to amend Sections 1 through 3 to comply with the drafting and formatting requirements of KRS Chapter 13A; and (4) to revise the FISCAL NOTE ON STATE OR LOCAL GOVERNMENT to correct a typographical error referencing an incorrect administrative regulation number. Without objection, and with agreement of the agency, the amendments were approved.

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET:  
Department of Workforce Investment: Office for the Blind:  
Department of the Blind**

782 KAR 1:010. Kentucky business enterprises. Richard Nesbitt, director; Patrick Shirley, staff attorney; and Christopher Smith, executive director, represented the department.

In response to a question by Co-Chair Bowen, Mr. Nesbitt stated that the set aside was used to pay health insurance costs.

A motion was made and seconded to approve the following amendments: (1) to amend the RELATES TO and STATUTORY AUTHORITY paragraphs to correct statutory citations; (2) to amend Sections 1, 2, 3, 5, 6, 8, 9, 10, and 12 to conform with the drafting and formatting requirements of KRS Chapter 13A; and (3) to amend Sections 2 and 9 to make conforming amendments to correct inconsistencies between the currently effective administrative regulation and the filed proposed administrative regulation. Without objection, and with agreement of the agency, the amendments were approved.

**PUBLIC PROTECTION CABINET: Kentucky Horse Racing Commission: Thoroughbred Racing**

810 KAR 1:014. Weights. Marc A. Guilfoil, deputy executive director, represented the commission.

A motion was made and seconded to approve the following amendment: to amend Section 1 to correct an inconsistency between the currently effective administrative regulation and the proposed administrative regulation filed by the agency. Without objection, and with agreement of the agency, the amendment was approved.

**CABINET FOR HEALTH AND FAMILY SERVICES: Office of Health Policy: Data Reporting and Public Use Data Sets**

900 KAR 7:030 & E. Data reporting by health care providers. Allison Lile, health data administrator, and Chandra Venettozzi, health data administrator, represented the office.

**Department for Mental Health and Mental Retardation Services: Division of Administration and Financial Management: Institutional Care**

908 KAR 3:050. Per diem rates. Glenn Bryant, assistant director; Beth Jurek, executive director; and Kevin Mudd, division director, represented the division.

tor, represented the division.

In response to a question by Representative Lee, Ms. Jurek stated that reimbursement rates were established for each facility separately from Medicaid and private insurer rates. These rates were the amounts a patient with sufficient funds and without Medicaid or private insurance would pay for services. This administrative regulation applied to approximately ten (10) patients at any given time. This administrative regulation did not affect Medicaid and did not have requirements pertaining to negotiated rates of reimbursement.

In response to questions by Senator Givens, Ms. Jurek stated that this administrative regulation was revised annually, and the reimbursement rates were based on the actual costs to each facility. Mr. Bryant stated that these rates approximated those paid by Medicaid and private insurers for similar services. These rates fluctuated significantly because these facilities were more like hospital settings, with a much higher rate of patient changes than home and community settings. Ms. Jurek stated that community setting payments were funded almost exclusively by Medicaid. The division had received more waivers to home or community settings recently. Approximately sixty-nine (69) percent of dollars was spent on the home or community settings, rather than hospital-like institutions. Five (5) years ago, for example, the facility of Oakwood had approximately 400 patients. Now there were 100 patients. Those patients still remaining in hospital-like institutional facilities tended to have more service-intensive needs, which caused the cost per patient to rise. Oakwood costs especially rose after federal intervention removed accreditation and forced Oakwood to revise its care plan to include additional and more intensive services to its clients. The long-term plan was to transition many of these facilities to outpatient support centers where patients in home or community settings could get short-term supportive and interventional care and services. The patient populations at these facilities had been gradually declining. Ten (10) years ago there were approximately 1,500 patients in hospital-like institutional settings. The division predicted approximately 800 to 900 patients in these facilities in the next five (5) years. Mr. Mudd stated that the average length of stays was also declining.

In response to a question by Representative Ford, Ms. Jurek stated that Medicaid and private insurance reimbursement rates for similar services were comparable with these reimbursement rates for patients with sufficient personal funding. When Oakwood was at its highest patient population, costs were approximately \$250 per patient per day. The current rate was \$1,100 per patient per day. This rate had increased although patient population had decreased because the remaining patients tended to have more intensive care needs. Additionally, the federally mandated services that resulted after the loss of accreditation of the facility significantly increased care costs.

Representative Lee stated that, before the economy began to enter the current recession state, a plan was in place to create a facility in each region to assist patients with home or community placement. The recession significantly reduced the ability to initiate this plan to create the necessary support facilities. These support facilities were the goal toward which Kentucky needed to be striving.

In response to a question by Co-Chair Bowen, Mr. Bryant stated that the reimbursement rates were established basically by taking the total cost and dividing that by the number of patients. There was no subjectivity in creating the rates. The amounts were reviewed and audited on a regular basis.

Staff Note: At the January 2012 meeting of the Administrative Regulation Review Subcommittee, an amendment was made to this administrative regulation to: (1) amend Section 1(1)'s table to make CONFORMING AMENDMENTS to correct the rates being deleted for four (4) facilities to reflect the rates established in the amendments approved at the January 2011 ARRS meeting; and (2) amend Section 1 to comply with the formatting requirements of KRS 13A.220.

**The following administrative regulations were deferred to the March 12, 2012, meeting of the Subcommittee:**

**PERSONNEL CABINET: Personnel Cabinet, Classified**

101 KAR 2:102. Classified leave administrative regulations.

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101 KAR 2:140. Workers' Compensation Fund and Program.

**Personnel Cabinet, Unclassified**

101 KAR 3:015. Leave administrative regulations for the unclassified service.

**GENERAL GOVERNMENT CABINET: Kentucky Boxing and Wrestling Authority: Athletic Commission**

201 KAR 27:011. General requirements for boxing and kick-boxing shows.

201 KAR 27:017. Requirements for elimination events.

201 KAR 27:035. Seconds.

201 KAR 27:055. Physicians.

**TRANSPORTATION CABINET: Department of Vehicle Regulation: Division of Motor Carriers: Division**

601 KAR 1:019. Overweight or overdimensional farm equipment.

**EDUCATION AND WORKFORCE DEVELOPMENT CABINET: Board of Education: Department of Education: Kindergartens and Nursery Schools**

704 KAR 5:070. Common Kindergarten entry screener.

**CABINET FOR HEALTH AND FAMILY SERVICES: Office of Health Policy: Certificate of Need**

900 KAR 6:125. Certificate of Need annual surveys, and registration requirements for new Magnetic Resonance Imaging units.

**The Subcommittee adjourned at 2 p.m. until March 12, 2012.**

OTHER COMMITTEE REPORTS

**COMPILER'S NOTE:** In accordance with KRS 13A.290(9), the following reports were forwarded to the Legislative Research Commission by the appropriate jurisdictional committees and are hereby printed in the Administrative Register. The administrative regulations listed in each report became effective upon adjournment of the committee meeting at which they were considered.

**HOUSE STANDING COMMITTEE ON TRANSPORTATION**  
**Meeting on January 24, 2012**

The following administrative regulations were available for consideration and placed on the agenda of the House Standing Committee on Transportation for its meeting of January 24, 2012, having been referred to the Committee on January 4, 2012, pursuant to KRS 13A.290(6):

600 KAR 6:080  
603 KAR 5:050  
603 KAR 7:080

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(7) and 13A.030(2):

NONE

**The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.**

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320:

NONE

**The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.**

The following administrative regulations were deferred pursuant to KRS 13A.300:

NONE

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the January 24, 2012 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

**SENATE STANDING COMMITTEE ON TRANSPORTATION**  
**Meeting on January 25, 2012**

The following administrative regulations were available for consideration and placed on the agenda of the Senate Standing Committee on Transportation for its meeting of January 25, 2012, having been referred to the Committee on January 4, 2012, pursuant to KRS 13A.290(6):

600 KAR 6:080  
603 KAR 5:050  
603 KAR 7:080

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(7) and 13A.030(2):

NONE

**The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.**

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320:

NONE

**The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.**

The following administrative regulations were deferred pursuant to KRS 13A.300:

NONE

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the January 25, 2012 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

**SENATE STANDING COMMITTEE ON EDUCATION**  
**Meeting on January 26, 2012**

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the January 12, 2012 meeting, which are hereby incorporated by reference.

The following administrative regulations were available for consideration and placed on the agenda of the Senate Standing Committee on Education for its meeting of January 26, 2012, having been referred to the Committee on January 4, 2012, pursuant to KRS 13A.290(6):

13 KAR 2:020  
703 KAR 5:200  
703 KAR 5:230

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(7) and 13A.030(2):

703 KAR 5:230

**The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.**

The administrative regulation exceeds the authority of program reviews as defined in KRS 158.6453, (7).

**SENATE STANDING COMMITTEE ON NATURAL RESOURCES  
AND ENERGY**  
**Meeting on February 2, 2012**

The following administrative regulations were available for consideration and placed on the agenda of the Senate Standing Committee on Natural Resources and Energy for its meeting of February 2, 2012, having been referred to the Committee on February 1, 2012, pursuant to KRS 13A.290(6):

301 KAR 2:082

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(7) and 13A.030(2):

None

**The Committee rationale for each finding of deficiency is at-**

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tached to and made a part of this memorandum.

201 KAR 14:180

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320:

None

**The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.**

The following administrative regulations were deferred pursuant to KRS 13A.300:

None

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the February 2, 2012 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

### **HOUSE STANDING COMMITTEE ON NATURAL RESOURCES AND ENVIRONMENT Meeting on February 2, 2012**

The following administrative regulations were available for consideration and placed on the agenda of the House Standing Committee on Natural Resources and Environment for its meeting of February 2, 2012, having been referred to the Committee on February 1, 2012, pursuant to KRS 13A.290(6):

301 KAR 2:082

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(7) and 13A.030(2):

None

**The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.**

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320:

None

**The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.**

The following administrative regulations were deferred pursuant to KRS 13A.300:

None

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the February 2, 2012 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

### **SENATE STANDING COMMITTEE ON LICENSING, OCCUPATIONS, AND ADMINISTRATIVE REGULATIONS Meeting on February 7, 2012**

The following administrative regulations were available for consideration and placed on the agenda of the Senate Standing Committee on Licensing, Occupations, and Administrative Regulations for its meeting of Feb. 7, 2012, having been referred to the Committee on Feb. 1, 2012, pursuant to KRS 13A.290(6):

The following administrative regulations were found to be deficient pursuant to KRS 13A.290(7) and 13A.030(2):

201 KAR 14:180

**The Committee rationale for each finding of deficiency is attached to and made a part of this memorandum.**

The following administrative regulations were approved as amended at the Committee meeting pursuant to KRS 13A.320:

None

**The wording of the amendment of each such administrative regulation is attached to and made a part of this memorandum.**

The following administrative regulations were deferred pursuant to KRS 13A.300:

None

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the Feb. 7, 2012 meeting, which are hereby incorporated by reference. Additional committee findings, recommendations, or comments, if any, are attached hereto.

### **HOUSE STANDING COMMITTEE ON HEALTH AND WELFARE Meeting on February 9, 2012**

The following administrative regulations were available for consideration and placed on the agenda of the House Standing Committee on Health and Welfare for its meeting of February 9, 2012, having been referred to the Committee on February 1, 2012, pursuant to KRS 13A.290(6):

201 KAR 20:085  
201 KAR 20:260  
201 KAR 20:340  
201 KAR 20:410

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the February 9, 2012 meeting, which are hereby incorporated by reference.

### **SENATE STANDING COMMITTEE ON HEALTH AND WELFARE Meeting on February 15, 2012**

The following administrative regulations were available for consideration and placed on the agenda of the Senate Standing Committee on Health and Welfare for its meeting of February 15, 2012 having been referred to the Committee on February 1, 2012, pursuant to KRS 13A.290(6):

201 KAR 20:085  
201 KAR 20:260  
201 KAR 20:340  
201 KAR 20:410

Committee activity in regard to review of the above-referenced administrative regulations is reflected in the minutes of the February 15, 2012 meeting, which are hereby incorporated by reference.

## CUMULATIVE SUPPLEMENT

### Locator Index - Effective Dates

I - 2

The Locator Index lists all administrative regulations published in VOLUME 38 of the Administrative Register from July 2011 through June 2012. It also lists the page number on which each administrative regulation is published, the effective date of the administrative regulation after it has completed the review process, and other action which may affect the administrative regulation. NOTE: The administrative regulations listed under VOLUME 37 are those administrative regulations that were originally published in VOLUME 37 (last year's) issues of the Administrative Register but had not yet gone into effect when the 2011 bound Volumes were published.

### KRS Index

I - 14

The KRS Index is a cross-reference of statutes to which administrative regulations relate. These statute numbers are derived from the RELATES TO line of each administrative regulation submitted for publication in VOLUME 38 of the Administrative Register.

### Technical Amendment Index

I - 24

The Technical Amendment Index is a list of administrative regulations which have had technical, nonsubstantive amendments entered since being published in the 2011 bound Volumes. These technical changes have been made by the Regulations Compiler pursuant to KRS 13A.040(9) and (10) or 13A.312(2). Since these changes were not substantive in nature, administrative regulations appearing in this index will NOT be published in the Administrative Register. NOTE: Copies of the technically amended administrative regulations are available for viewing on the Legislative Research Commission Web site at <http://www.lrc.ky.gov/home.htm>.

### Subject Index

I - 25

The Subject Index is a general index of administrative regulations published in VOLUME 38 of the Administrative Register, and is mainly broken down by agency.

# LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	37 Ky.R. Page No.	Effective Date	Regulation Number	37 Ky.R. Page No.	Effective Date
<b>VOLUME 37</b>					
The administrative regulations listed under VOLUME 37 are those administrative regulations that were originally published in Volume 37 (last year's) issues of the Administrative Register but had not yet gone into effect when the 2011 bound Volumes were published.					
<b>SYMBOL KEY:</b>			Amended	2665	
* Statement of Consideration not filed by deadline			31 KAR 5:010		
** Withdrawn, not in effect within 1 year of publication			Amended	2254	
*** Withdrawn before being printed in Register			As Amended	2542	6-3-11
**** Emergency expired after 180 days			31 KAR 6:030		
(r) Repealer regulation: KRS 13A.310-on the effective			Amended	2443	
date of an administrative regulation that repeals another,			As Amended	2828	7-1-11
the regulations compiler shall delete the repealed			32 KAR 1:030		
administrative regulation and the repealing administrative			Amended	1502	
regulation.			32 KAR 1:190		
			Amended	1504	
			32 KAR 2:130		
			Amended	2256	
<b>EMERGENCY ADMINISTRATIVE REGULATIONS:</b>			101 KAR 1:325		
(Note: Emergency regulations expire 180 days from the date			Amended	2666	7-21-11
filed; or 180 days from the date filed plus number of days of			101 KAR 2:095		
requested extension, or upon replacement or repeal, which-			Amended	2669	(See 38 Ky.R.)
ever occurs first.)			101 KAR 2:102		
			Amended	2672	(See 38 Ky.R.)
31 KAR 5:010E	2128	2-1-11	101 KAR 3:015		
Replaced	2542	6-3-11	Amended	2677	(See 38 Ky.R.)
31 KAR 6:030E	2352	3-10-11	102 KAR 1:178	2303	
Replaced	2828	7-1-11	103 KAR 3:010		
32 KAR 1:030E	1381	11-2-10	Amended	2258	
Replaced	2828	7-1-11	As Amended	2543	
32 KAR 1:190E	1382	11-2-10	103 KAR 3:030		
32 KAR 2:130E	2130	2-7-11	Amended	2263	
Replaced	2256	6-3-11	As Amended	2547	
101 KAR 2:095E	2522	3-31-11	103 KAR 3:040		
Replaced		(See 38 Ky.R.)	Amended	2273	
101 KAR 2:102E	2525	3-31-11	As Amended	2556	
Replaced		(See 38 Ky.R.)	103 KAR 3:050		
101 KAR 3:015E	2530	3-31-11	Amended	760	
Replaced		(See 38 Ky.R.)	103 KAR 15:195	2769	(See 38 Ky.R.)
103 KAR 15:195E	2535	4-1-11	201 KAR 3:045		
Replaced		(See 38 Ky.R.)	Amended	2891	
201 KAR 8:008E	2807	4-21-11	201 KAR 3:081(r)	3020	
Expired		10-18-11	201 KAR 3:090	3021	
201 KAR 8:532E	2808	4-21-11	201 KAR 8:532	3022	(See 38 Ky.R.)
Replaced		(See 38 Ky.R.)	201 KAR 8:550	2308	9-13-11
201 KAR 8:550E	2143	2-2-11	Amended	2876	8-5-11
Replaced	2876	8-5-11	201 KAR 8:560	626	
201 KAR 8:562E	2812	4-21-11	201 KAR 8:562	3027	(See 38 Ky.R.)
Replaced		(See 38 Ky.R.)	201 KAR 12:083		
201 KAR 43:010E	2817	4-29-11	Amended	2282	
Replaced		(See 38 Ky.R.)	As Amended	2829	7-1-11
201 KAR 43:020E	2818	4-29-11	201 KAR 20:056		
Replaced	3032	12-2-11	Amended	2892	(See 38 Ky.R.)
201 KAR 43:030E	2820	4-29-11	201 KAR 20:059		
Replaced	3034	12-2-11	Amended	2046	
201 KAR 43:040E	2821	4-29-11	201 KAR 20:062		
Replaced	3035	12-2-11	Amended	2895	8-17-11
401 KAR 51:052E	2352	3-14-11	201 KAR 20:070		
Replaced		8-4-11	Amended	2900	8-17-11
815 KAR 10:070E	2824	5-10-11	201 KAR 20:110		
Replaced		(See 38 Ky.R.)	Amended	2902	8-17-11
900 KAR 5:020E	3005	5-6-11	201 KAR 20:215		
Replaced		10-19-11	Amended	2905	8-17-11
922 KAR 1:420E	1960	1-3-11	201 KAR 20:225		
Expired	****	7-2-11	Amended	2907	8-17-11
<b>ORDINARY ADMINISTRATIVE REGULATIONS:</b>			201 KAR 20:240		
13 KAR 2:060			Amended	2909	8-17-11
Amended	2250		201 KAR 20:310		
As Amended	2539		Amended	2911	8-17-11
16 KAR 3:050			201 KAR 20:411		
Amended	1500		Amended	2913	8-17-11
As Amended	1963		201 KAR 20:470		(See 38 Ky.R.)
16 KAR 6:030					



# LOCATOR INDEX - EFFECTIVE DATES

Regulation Number	37 Ky.R. Page No.	Effective Date	Regulation Number	37 Ky.R. Page No.	Effective Date
Amended	2915	8-17-11	Amended	2466	
201 KAR 23:130			Withdrawn	9-15-11	
201 KAR 26:115			201 KAR 41:100	1112	
Amended	1511		As Amended	1987	
As Amended	1976		201 KAR 42:010		
201 KAR 26:121			Amended	1009	
Amended	1513		Amended	1695	
201 KAR 26:125			As Amended	1988	
Amended	1514		201 KAR 42:020		
As Amended	1977		Amended	1011	
201 KAR 26:130			Amended	1696	
Amended	1516		As Amended	1989	
As Amended	1977		201 KAR 42:030		
201 KAR 26:155			Amended	1012	
Amended	1518		As Amended	1989	
As Amended	1978		201 KAR 42:035		
201 KAR 26:171			Amended	1013	
Amended	1520		Amended	1697	
As Amended	1979		As Amended	1990	
201 KAR 26:175			201 KAR 42:040		
Amended	1523		Amended	1015	
201 KAR 26:180			Amended	1699	
Amended	1526		As Amended	1991	
201 KAR 26:185			201 KAR 42:050		
Amended	1527		Amended	1016	
As Amended	1982		Amended	1700	
201 KAR 26:190			As Amended	1992	
Amended	1529		201 KAR 42:060		
As Amended	1983		Amended	1018	
201 KAR 26:200			Amended	1702	
Amended	1532		As Amended	1993	
As Amended	1984		201 KAR 42:070		
201 KAR 26:215			Amended	1020	
Amended	1533		Amended	1704	
201 KAR 26:230			As Amended	1993	
Amended	1535		201 KAR 42:080	1113	
As Amended	1985		Amended	1705	
201 KAR 26:270			As Amended	1994	
Amended	1537		201 KAR 42:040	2700	
201 KAR 26:290			201 KAR 42:110		
Amended	1539		Amended	1022	
201 KAR 26:310	1597		As Amended	1996	
As Amended	1987		201 KAR 43:010	3031	(See 38 Ky.R.)
201 KAR 30:040			201 KAR 43:020	3032	(See 38 Ky.R.)
Amended	101		201 KAR 43:030	3034	(See 38 Ky.R.)
201 KAR 39:010	2507		201 KAR 43:040	3035	(See 38 Ky.R.)
Withdrawn		9-15-11	301 KAR 1:152	2772	
201 KAR 39:030			Withdrawn	7-8-11	
Amended	2451		301 KAR 1:155		
Withdrawn		9-15-11	Amended	2056	
201 KAR 39:040			Amended	2430	
Amended	2453		As Amended	2565	
Withdrawn		9-15-11	301 KAR 2:049		
201 KAR 39:050			Amended	228	
Amended	2453		301 KAR 2:095		
Withdrawn		9-15-11	Amended	2682	8-4-11
201 KAR 39:060			301 KAR 2:178		
Amended	2457		Amended	2065	
Withdrawn		9-15-11	As Amended	2568	
201 KAR 39:070			301 KAR 2:300		
Amended	2459		Amended	2683	(See 38 Ky.R.)
Withdrawn		9-15-11	400 KAR 2:090		
201 KAR 39:080			Amended	2920	
Amended	2460		401 KAR 5:006		
Withdrawn		9-15-11	Amended	1757	
201 KAR 39:090			Amended	2434	
Amended	2461		401 KAR 8:020		
Withdrawn		9-15-11	Amendment	2924	(See 38 Ky.R.)
201 KAR 39:100			401 KAR 10:030		
Amended	2464		Amended	2071	
Withdrawn		9-15-11	Amended	2655	8-5-211
201 KAR 39:120			401 KAR 42:005		

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Regulation Number	37 Ky.R. Page No.	Effective Date	Regulation Number	37 Ky.R. Page No.	Effective Date
Amended	2686	(See 38 Ky.R.)	Amendment	2943	(See 38 Ky.R.)
401 KAR 42:011			501 KAR 3:060		
Amended	2691	(See 38 Ky.R.)	Amendment	2949	(See 38 Ky.R.)
401 KAR 42:020			501 KAR 3:070		
Amended	2693	(See 38 Ky.R.)	Amendment	2951	(See 38 Ky.R.)
401 KAR 42:030			501 KAR 3:080		
Amended	2696	(See 38 Ky.R.)	Amendment	2952	(See 38 Ky.R.)
401 KAR 42:040			501 KAR 3:090		
Amended	2700	(See 38 Ky.R.)	Amendment	2954	(See 38 Ky.R.)
401 KAR 42:045	2773	(See 38 Ky.R.)	501 KAR 3:100		
401 KAR 42:050			Amendment	2956	(See 38 Ky.R.)
Amended	2702	(See 38 Ky.R.)	501 KAR 3:110		
401 KAR 42:060			Amendment	2958	(See 38 Ky.R.)
Amended	2704	(See 38 Ky.R.)	501 KAR 3:120		
401 KAR 42:070			Amendment	2959	(See 38 Ky.R.)
Amended	2706	(See 38 Ky.R.)	501 KAR 3:130		
401 KAR 42:080			Amendment	2961	(See 38 Ky.R.)
Amended	2709	(See 38 Ky.R.)	501 KAR 3:140		
401 KAR 42:090			Amendment	2964	(See 38 Ky.R.)
Amended	2711	(See 38 Ky.R.)	501 KAR 3:150		
401 KAR 42:095	2775	(See 38 Ky.R.)	Amendment	2966	(See 38 Ky.R.)
401 KAR 42:200			501 KAR 3:160	3038	(See 38 Ky.R.)
Amended	2713	(See 38 Ky.R.)	501 KAR 3:170	3040	(See 38 Ky.R.)
401 KAR 42:250			501 KAR 7:010		
Amended	2715	(See 38 Ky.R.)	Amended	2969	(See 38 Ky.R.)
401 KAR 42:290			501 KAR 7:020		
Amended	2726	(See 38 Ky.R.)	Amended	2970	(See 38 Ky.R.)
401 KAR 42:300			501 KAR 7:030		
Amended	2729	(See 38 Ky.R.)	Amended	2972	(See 38 Ky.R.)
401 KAR 42:315	2777	10-6-11	501 KAR 7:040		
401 KAR 42:316			Amended	2973	(See 38 Ky.R.)
Amended	2731	(See 38 Ky.R.)	501 KAR 7:050		
401 KAR 42:320			Amended	2975	(See 38 Ky.R.)
Amended	2733	(See 38 Ky.R.)	501 KAR 7:060		
401 KAR 42:330			Amended	2978	(See 38 Ky.R.)
Amended	2735	(See 38 Ky.R.)	501 KAR 7:070		
401 KAR 42:335			Amended	2979	(See 38 Ky.R.)
Amended	2738	(See 38 Ky.R.)	501 KAR 7:080		
401 KAR 42:340			Amended	2981	(See 38 Ky.R.)
Amended	2739	(See 38 Ky.R.)	501 KAR 7:090		
401 KAR 47:205	2778	(See 38 Ky.R.)	Amended	2982	(See 38 Ky.R.)
401 KAR 47:207	2781	(See 38 Ky.R.)	501 KAR 7:100		
401 KAR 48:205	2784	(See 38 Ky.R.)	Amended	2984	10-7-11
401 KAR 48:206	2788	(See 38 Ky.R.)	501 KAR 7:110		
401 KAR 48:207	2792	(See 38 Ky.R.)	Amended	2985	(See 38 Ky.R.)
401 KAR 48:208	2795	(See 38 Ky.R.)	501 KAR 7:120		
401 KAR 49:080			Amended	2987	(See 38 Ky.R.)
Amended	1349		501 KAR 7:130		
Amended	1707		Amended	2989	(See 38 Ky.R.)
401 KAR 51:052			501 KAR 7:140		
Amended	2470	8-4-11	Amended	2990	(See 38 Ky.R.)
500 KAR 8:010			501 KAR 7:150	3041	(See 38 Ky.R.)
Amendment	2927	(See 38 Ky.R.)	501 KAR 13:010		
501 KAR 2:020			Amended	2992	(See 38 Ky.R.)
Amendment	2929	(See 38 Ky.R.)	502 KAR 12:010		
501 KAR 2:040			Amended	1546	
Amendment	2930	10-7-11	As Amended	1997	
501 KAR 2:050			503 KAR 3:070		
Amendment	2932	10-7-11	505 KAR 1:130		
501 KAR 2:060			Amended	2289	
Amendment	2933	(See 38 Ky.R.)	Amended	2881	8-5-2011
501 KAR 2:070			601 KAR 1:018		
Amendment	2935	10-7-11	Amended	808	
501 KAR 3:010			As Amended	2000	
Amendment	2936	(See 38 Ky.R.)	603 KAR 4:035		
501 KAR 3:020			Amended	2741	
Amendment	2938	(See 38 Ky.R.)	Withdrawn	7-13-2011	
501 KAR 3:030			702 KAR 7:125		
Amendment	2940	(See 38 Ky.R.)	Amended	2291	
501 KAR 3:040			As Amended	2572	
Amendment	2942	(See 38 Ky.R.)	703 KAR 5:200	3042	
501 KAR 3:050			787 KAR 1:070		

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Regulation Number	37 Ky.R. Page No.	Effective Date	Regulation Number	37 Ky.R. Page No.	Effective Date
Amended	2994	9-2-11	811 KAR 1:125		
787 KAR 1:090			Amended	837	
Amended	2996	(See 38 Ky.R.)	As Amended	2862	7-1-11
787 KAR 1:210			811 KAR 1:240	1130	
Amended	2898	(See 38 Ky.R.)	Amended	1720	
787 KAR 2:020			As Amended	2013	
Amended	1551		811 KAR 1:250	898	
803 KAR 25:089			As Amended	2871	7-1-11
Amended	1078		811 KAR 1:280	2318	
Amended	1492		As Amended	2575	
803 KAR 25:091			811 KAR 2:010		
Amended	1080		Amended	847	
As Amended	2005		As Amended	2872	7-1-11
806 KAR 2:150	1938		Reprint		(See 38 Ky.R.)
Amended	2438		811 KAR 2:060		
806 KAR 3:170			Amended	851	7-1-11
Amended	2746		811 KAR 2:150	1136	
806 KAR 9:220			Amended	1723	
Amended	1554	(See 38 Ky.R.)	As Amended	2015	
806 KAR 12:120			811 KAR 2:160	900	7-1-11
Amended	2754		811 KAR 2:180	2328	
806 KAR 13:120			As Amended	2584	
Amended	1557		811 KAR 2:190	2338	
As Amended	2007		Amended	2883	(See 38 Ky.R.)
806 KAR 44:010	1603		815 KAR 7:120		
As Amended	2010		Amended	1092	
808 KAR 10:010			Amended	1727	
Amended	2482		815 KAR 7:125		
As Amended	2836	7-1-11	Amended	1095	
808 KAR 10:030			Amended	1729	
Amended	2484		815 KAR 10:070	3045	(See 38 Ky.R.)
As Amended	2837	7-1-11	815 KAR 20:030		
808 KAR 10:050			Amended	2757	
Amended	2487		815 KAR 20:034		
As Amended	2839	7-1-11	Amended	1568	
808 KAR 10:200			As Amended	2017	
Amended	2488		815 KAR 20:070		
As Amended	2839	7-1-11	Amended	2759	8-5-11
808 KAR 10:240			815 KAR 35:060		
Amended	2492		Amended	3000	(See 38 Ky.R.)
As Amended	2842	7-1-11	815 KAR 35:100		
808 KAR 10:260			Amended	3002	(See 38 Ky.R.)
Amended	2493		900 KAR 5:020		
As Amended	2842	7-1-11	Amended	3005	10-19-11
808 KAR 10:280			900 KAR 6:030		
Amended	2494		Amended	2762	(See 38 Ky.R.)
As Amended	2843	7-1-11	900 KAR 7:030		
808 KAR 10:410			Amended	2763	(See 38 Ky.R.)
Amended	2498		902 KAR 8:160		
As Amended	2845	7-1-11	Amended	3006	(See 38 Ky.R.)
808 KAR 10:440			902 KAR 8:165		
Amended	2500		Amended	3010	(See 38 Ky.R.)
As Amended	2847	7-1-11	902 KAR 8:170		
808 KAR 10:450			Amended	3012	(See 38 Ky.R.)
Amended	2503		902 KAR 20:410	1142	
As Amended	2849	7-1-11	Amended	1731	
808 KAR 10:480	2509		As Amended	2019	
As Amended	2850	7-1-11	902 KAR 100:010		
808 KAR 10:490	2511		Amended	1799	
As Amended	2851	7-1-11	As Amended	2594	
810 KAR 1:001			902 KAR 100:021		
Amended	825		Amended	1814	
As Amended	2852	7-1-11	As Amended	2607	
810 KAR 1:011			902 KAR 100:058		
Amended	828		Amended	1820	
As Amended	2855	7-1-11	As Amended	2612	
810 KAR 1:120	895		902 KAR 100:070		
As Amended	2859	7-1-11	Amended	1827	
811 KAR 1:005			As Amended	2618	
Amended	834		902 KAR 100:072		
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Reprint		(See 38 Ky.R.)	As Amended	2627	

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902 KAR 100:165			Amended	2092	
Amended	1863		Withdrawn		12-2-11
As Amended	2651				
907 KAR 1:014					
Amended	551				
As Amended	984				
907 KAR 1:715					
Amended	2298				
Amended	2886	(See 38 Ky.R.)			
908 KAR 3:050					
Amended	1358				
As Amended	2022				
922 KAR 1:420					

## SYMBOL KEY:

\* Statement of Consideration not filed by deadline

\*\* Withdrawn, not in effect within 1 year of publication

\*\*\* Withdrawn before being printed in Register

(r) Repealer regulation: KRS 13A.310-on the effective date of an administrative regulation that repeals another, the regulations compiler shall delete the repealed administrative regulation and the repealing administrative regulation

## VOLUME 38

### EMERGENCY ADMINISTRATIVE REGULATIONS:

(Note: Emergency regulations expire 180 days from the date filed; or 180 days from the date filed plus number of days of requested extension, or upon replacement or repeal, whichever occurs first.)

32 KAR 1:050E	206	7-1-11
32 KAR 1:070E	207	7-1-11
101 KAR 2:095E		(See 37 Ky.R.)
Replaced	482	9-28-11
101 KAR 2:102E		(See 37 Ky.R.)
Replaced	484	9-28-11
101 KAR 2:180E	1420	1-3-12
101 KAR 2:210E	731	9-15-11
Replaced	1116	1-6-12
101 KAR 3:015E		(See 37 Ky.R.)
Replaced	488	9-28-11
103 KAR 3:040E	1278	12-9-11
103 KAR 15:195E		(See 37 Ky.R.)
Replaced	13	8-5-11
201 KAR 8:532E		(See 37 Ky.R.)
Replaced	501	9-13-11
201 KAR 8:562E		(See 37 Ky.R.)
Replaced	504	9-13-11
201 KAR 11:082E	1535	2-14-12
201 KAR 30:310E	209	7-7-11
Replaced	1298	2-3-12
201 KAR 30:320E	210	7-7-11
Replaced	1298	2-3-12
201 KAR 30:330E	211	7-7-11
Replaced	1299	2-3-12
201 KAR 43:010E		(See 37 Ky.R.)
Replaced	899	12-2-11
301 KAR 2:221E	874	9-20-11
Replaced	1044	2-3-12
301 KAR 2:222E	876	9-20-11
Replaced	1046	2-3-12
301 KAR 2:225E	732	8-18-11
Replaced	831	1-6-12
302 KAR 20:052E	1088	11-10-11
302 KAR 29:061E	11	6-3-11
302 KAR 45:010E	456	8-2-11
Replaced	903	11-3-11
501 KAR 6:250E	1423	12-16-11
501 KAR 6:270E	1426	12-16-11
815 KAR 4:010E	212	7-8-11
Replaced	914	11-30-11
815 KAR 4:025E	215	7-8-11
Replaced	915	11-30-11
815 KAR 4:030E	217	7-8-11
Replaced	916	11-30-11
815 KAR 4:040E	219	7-8-11
Replaced	917	11-30-11
815 KAR 4:050E	221	7-8-11
Replaced	818	11-30-11

815 KAR 4:060E	223	7-8-11
Replaced	919	11-30-11
815 KAR 4:070E	225	7-8-11
Replaced	444	11-30-11
815 KAR 10:070E		(See 37 Ky.R.)
Replaced	241	8-17-11
900 KAR 7:030	1089	10-28-11
902 KAR 15:020E	227	6-30-11
907 KAR 1:595E	459	7-21-11
907 KAR 17:005	1093	10-28-11
921 KAR 3:090E	232	6-30-11
Replaced	416	10-19-11
921 KAR 2:015E	1429	12-29-11

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11 KAR 3:100		
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As Amended	464	10-7-11
11 KAR 4:080		
Amended	1610	
11 KAR 5:145		
Amended	1611	
11 KAR 15:090		
Amended	64	
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13 KAR 2:020		
Amended	804	
Amended	1163	
As Amended	1288	2-3-12
13 KAR 2:110	1243	
As Amended	1435	
16 KAR 2:010		
Amended	68	
As Amended	479	10-7-11
16 KAR 2:040		
Amended	635	
As Amended	885	11-14-11
16 KAR 4:060		
Amended	71	
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16 KAR 5:020		
Amended	1169	
As Amended	1537	
16 KAR 5:040		
Amended	637	
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16 KAR 6:010		
Amended	1457	
16 KAR 6:030		(See 37 Ky.R.)
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16 KAR 9:090	705	
As Amended	889	11-14-11
17 KAR 3:020		
Amended	1460	
31 KAR 3:020	1245	

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As Amended	1436		Amended	1465	
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Amended	294		Amended	814	
32 KAR 1:070			As Amended	1117	1-6-12
Amended	295		201 KAR 2:170		
As Amended	736		Amended	652	
101 KAR 1:335			As Amended	1297	1-12-12
Amended	809		201 KAR 3:045		
As Amended	1115	1-6-12	As Amended	736	
101 KAR 1:365			201 KAR 3:090		
Amended	1011		As Amended	737	
Withdrawn		11-2-11	201 KAR 5:110	167	
101 KAR 1:375			Amended	621	
Amended	641		Reprint	872	11-4-11
As Amended	890	11-16-11	201 KAR 8:532		(See 37 Ky.R.)
101 KAR 2:046			As Amended	501	9-13-11
Amended	643		201 KAR 8:562		(See 37 Ky.R.)
As Amended	891	11-16-11	As Amended	504	9-13-11
101 KAR 2:056			201 KAR 9:091(r)	419	10-19-11
Amended	645		201 KAR 11:225	1670	
As Amended	892	11-16-11	201 KAR 14:015		
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As Amended	482	9-28-11	As Amended	508	10-7-11
101 KAR 2:102		(See 37 Ky.R.)	201 KAR 14:180		
As Amended	484	9-28-11	Amended	1183	
Amended	1171		201 KAR 17:011		
101 KAR 2:105			Amended	1628	
Amended	646		201 KAR 17:012		
As Amended	893	11-16-11	Amended	1630	
101 KAR 2:106			201 KAR 17:032		
Amended	648		Amended	1632	
As Amended	894	11-16-11	201 KAR 17:034		
101 KAR 2:140			Amended	1633	
Amended	1176		201 KAR 17:036		
101 KAR 2:180			Amended	1635	
Amended	650	Withdrawn	201 KAR 18:040		
Withdrawn		12-1-11	Amended	1636	
Amended	1462		201 KAR 18:192		
101 KAR 2:210			Amended	654	
Amended	812		As Amended	894	12-2-11
As Amended	1116	1-6-12	201 KAR 20:056		(See 37 Ky.R.)
101 KAR 3:015		(See 37 Ky.R.)	As Amended	235	8-17-11
As Amended	488	9-28-11	Amended	1358	
Amended	1178		As Amended	1547	
103 KAR 3:010			201 KAR 20:057		
Amended	1613		Amended	1361	
103 KAR 3:020			As Amended	1549	
Amended	1013		201 KAR 20:085		
As Amended	1293	2-3-12	Amended	1185	
103 KAR 3:030			As Amended	1437	2-15-12
Amended	1618		201 KAR 20:161		
103 KAR 3:040			Amended	297	10-19-11
Amended	1349		201 KAR 20:260		
As Amended	1538		Amended	1186	
103 KAR 8:010			As Amended	1437	2-15-12
Amended	73		201 KAR 20:340		
As Amended	1297		Amended	1189	
103 KAR 15:195		(See 37 Ky.R.)	As Amended	1439	2-15-12
As Amended	13	8-5-11	201 KAR 20:370		
105 KAR 1:140			Amended	299	10-19-11
Amended	74		201 KAR 20:410		
As Amended	492		Amended	1190	
105 KAR 1:190			As Amended	1440	2-15-11
Amended	77		201 KAR 20:470		(See 37 Ky.R.)
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105 KAR 1:440			As Amended	737	
Amended	813	1-6-12	201 KAR 22:020		
200 KAR 21:010			Amended	87	
Amended	84		Withdrawn		8-12-11
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201 KAR 1:081			Amended	1363	

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As Amended	1550		201 KAR 32:060		
201 KAR 22:045			Amended	1378	
Amended	89	10-19-11	201 KAR 36:060		
Amended	1638		Amended	1018	
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Amended	91	10-19-11	201 KAR 36:070		
Amended	1467		Amended	1021	
201 KAR 22:070			As Amended	1560	
Amended	1365		201 KAR 37:010		
As Amended	1551		Amended	1471	
201 KAR 23:050			201 KAR 39:001	1671	
Amended	817	12-7-11	201 KAR 39:011	1070	
201 KAR 23:075			Withdrawn		1-13-12
Amended	818	12-7-11	201 KAR 39:030		
201 KAR 23:130			Amended	1022	
Amended	1640		Withdrawn		1-13-12
201 KAR 27:011			Amended	1641	
Amended	1191		201 KAR 39:040		
201 KAR 27:012			Amended	1024	
Amended	1197		Withdrawn		1-13-12
Amended	1574		Amended	1643	
201 KAR 27:016			201 KAR 39:050		
Amended	1200		Amended	1026	
Amended	1576		Withdrawn		1-13-12
201 KAR 27:017			Amended	1645	
Amended	1205		201 KAR 39:060		
201 KAR 27:035			Amended	1028	
Amended	1208		Withdrawn		1-13-12
201 KAR 27:055			Amended	1647	
Amended	1209		201 KAR 39:070		
201 KAR 27:100			Amended	1030	
Amended	1211		Withdrawn		1-13-12
Amended	1582		Amended	1648	
201 KAR 29:050			201 KAR 39:080		
Amended	300		Amended	1031	
Amended	787		Withdrawn		1-13-12
As Amended	897	11-16-11	Amended	1650	
201 KAR 30:040			201 KAR 39:090		
Amended	1469		Amended	1032	
201 KAR 30:310	420		Withdrawn		1-13-12
Amended	989		Amended	1651	
As Amended	1298	2-3-12	201 KAR 39:100		
201 KAR 30:320	421		Amended	1035	
As Amended	1298	2-3-12	Withdrawn		1-13-12
201 KAR 30:330	422		Amended	1654	
As Amended	1299	2-3-12	201 KAR 39:120		
201 KAR 30:360	423		Amended	1037	
Amended	990		Withdrawn		1-13-12
As Amended	1299	2-3-12	Amended	1656	
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Withdrawn	8-3-11		Amended	93	
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Amended	1455		Amended	1657	
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201 KAR 32:010			As Amended	899	12-2-11
Amended	1366		201 KAR 43:020		(See 37 Ky.R.)
As Amended	1552		As Amended	900	12-2-11
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As Amended	1553		201 KAR 43:040		(See 37 Ky.R.)
201 KAR 32:025			As Amended	901	12-2-11
Amended	1370		201 KAR 44:010	426	
As Amended	1554		As Amended	1118	1-6-12
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Amended	1374		As Amended	900	
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As Amended	1123	1-6-12	401 KAR 42:050		(See 37 Ky.R.)
201 KAR 44:060	1512		As Amended	523	10-6-11
201 KAR 44:070	1514		401 KAR 42:060		(See 37 Ky.R.)
201 KAR 44:080	1516		Amended	269	
301 KAR 1:015			As Amended	523	10-6-11
Amended	303	10-6-11	401 KAR 42:070		(See 37 Ky.R.)
301 KAR 1:058			Amended	271	
Amended	1659		As Amended	524	10-6-11
301 KAR 1:152	434	10-6-11	401 KAR 42:080		(See 37 Ky.R.)
Amended	1473		Amended	274	
301 KAR 1:201			As Amended	527	10-6-11
Amended	305	10-6-11	401 KAR 42:090		(See 37 Ky.R.)
301 KAR 2:082			As Amended	528	10-6-11
Amended	1038		401 KAR 42:095		(See 37 Ky.R.)
Amended	1341		As Amended	529	10-6-11
As Amended	1440		401 KAR 42:200		(See 37 Ky.R.)
Reprint	1532	2-2-12	As Amended	529	10-6-11
301 KAR 2:142			401 KAR 42:250		(See 37 Ky.R.)
Amended	1042		Amended	275	
As Amended	1300	2-3-12	As Amended	530	10-6-11
301 KAR 2:172			401 KAR 42:290		(See 37 Ky.R.)
Amended	1475		As Amended	540	10-6-11
301 KAR 2:178			401 KAR 42:300		(See 37 Ky.R.)
Amended	1478		As Amended	543	10-6-11
301 KAR 2:221			401 KAR 42:316		(See 37 Ky.R.)
Amended	1044	2-3-12	As Amended	544	10-6-11
301 KAR 2:222			401 KAR 42:320		(See 37 Ky.R.)
Amended	1046	2-3-12	As Amended	545	10-6-11
301 KAR 2:225			401 KAR 42:330		(See 37 Ky.R.)
Amended	821	1-6-12	Amended	287	
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Amended	789	11-3-11	As Amended	746	10-6-11
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Amended	1661		As Amended	549	10-6-11
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Amended	659		401 KAR 48:207		(See 37 Ky.R.)
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Withdrawn		11-28-11	As Amended	564	10-6-11
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Amended	623		Amended	28	
As Amended	1123	1-6-12	405 KAR 5:085		
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As Amended	515		Amended	998	
As Amended	741	10-6-11	As Amended	1307	2-3-12
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As Amended	518		Amended	1003	
As Amended	744	10-6-11	As Amended	1311	2-3-12
401 KAR 42:040		(See 37 Ky.R.)	500 KAR 8:010		(See 37 Ky.R.)
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As Amended	1314	2-3-12	As Amended	588	10-7-11
501 KAR 2:020		(See 37 Ky.R.)	501 KAR 7:090		(See 37 Ky.R.)
As Amended	566	10-7-11	Amended	2982	
501 KAR 2:060		(See 37 Ky.R.)	As Amended	588	10-7-11
As Amended	567	10-7-11	501 KAR 7:110		(See 37 Ky.R.)
501 KAR 3:010		(See 37 Ky.R.)	Amended	2985	
As Amended	568	10-7-11	As Amended	589	10-7-11
501 KAR 3:020		(See 37 Ky.R.)	501 KAR 7:120		(See 37 Ky.R.)
As Amended	569	10-7-11	Amended	2987	
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As Amended	571	10-7-11	501 KAR 7:130		(See 37 Ky.R.)
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## SYMBOL KEY:

\* Statement of Consideration not filed by deadline

\*\* Withdrawn, not in effect within 1 year of publication

\*\*\* Withdrawn before being printed in Register

(r) Repealer regulation: KRS 13A.310-on the effective date of an administrative regulation that repeals another, the regulations compiler shall delete the repealed administrative regulation and the repealing administrative regulation.

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141.206	103 KAR 3:040		103 KAR 3:030
141.207	103 KAR 3:040	143A.100	103 KAR 3:010
141.208	103 KAR 3:040		103 KAR 3:030
141.210	103 KAR 3:010	143A.991	103 KAR 3:010
141.235	103 KAR 3:010		103 KAR 3:030
141.300	103 KAR 3:040	144.132	103 KAR 3:020
141.310	103 KAR 3:040	144.137	10 KAR 3:020
141.325	103 KAR 3:040	146.410	400 KAR 2:090
141.330	103 KAR 3:040	146.440	400 KAR 2:090
141.335	103 KAR 3:040	150.010	301 KAR 1:015
141.340	103 KAR 3:010		301 KAR 1:058
141.347	103 KAR 3:040		301 KAR 1:152
141.370	103 KAR 3:040		301 KAR 1:201
141.381	103 KAR 3:040		301 KAR 2:082
141.382	103 KAR 3:040		301 KAR 2:172
141.383	103 KAR 3:040		301 KAR 2:178
141.384	103 KAR 3:040		301 KAR 2:221
141.385	103 KAR 3:040		301 KAR 2:222
141.386	103 KAR 3:040		301 KAR 2:228
141.390	103 KAR 3:040	150.015	301 KAR 2:082
141.395	103 KAR 3:040	150.025	301 KAR 2:221
141.400	103 KAR 3:040	150.090	301 KAR 1:015
141.401	103 KAR 3:040	150.170	301 KAR 1:152
141.402	103 KAR 3:040		301 KAR 1:201
141.403	103 KAR 3:040		301 KAR 2:178
141.405	103 KAR 3:040		301 KAR 2:251
141.407	103 KAR 3:040	150.175	301 KAR 1:152
141.412	103 KAR 3:040		301 KAR 1:201
141.415	103 KAR 3:040		301 KAR 2:142
141.418	103 KAR 3:040	150.177	301 KAR 2:172
141.420	103 KAR 3:040	150.180	301 KAR 2:172
141.421	103 KAR 3:040		301 KAR 2:251
141.423	103 KAR 3:040	150.305	301 KAR 2:082
141.424	103 KAR 3:040		301 KAR 2:142
141.4242	103 KAR 3:040		301 KAR 2:221
141.4244	103 KAR 3:040		301 KAR 2:222
141.428	103 KAR 3:040		301 KAR 2:228
141.430	103 KAR 3:040	150.320	301 KAR 2:082
141.434	103 KAR 3:040	150.330	301 KAR 2:082
142.436	103KAR 3:040		301 KAR 2:221
141.437	103 KAR 3:040		301 KAR 2:222
141.438	103 KAR 3:040		301 KAR 2:225
141.444	201 KAR 37:010	150.340	301 KAR 1:201
141.985	103 KAR 3:040		301 KAR 2:178
141.990	103 KAR 3:040		301 KAR 2:221
142.010	103 KAR 3:010		301 KAR 2:222
142.050	103 KAR 3:010		301 KAR 2:225
142.321	103 KAR 3:010		301 KAR 2:228
142.327	103 KAR 3:010	150.360	301 KAR 2:142

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	301 KAR 2:178		103 KAR 3:010
150.399	301 KAR 2:251	161.020	16 KAR 2:010
150.400	301 KAR 2:251		16 KAR 2:060
	301 KAR 1:058		16 KAR 4:040
150.411	301 KAR 2:251		16 KAR 5:020
150.415	301 KAR 2:172		16 KAR 5:040
150.416	301 KAR 2:251		16 KAR 6:010
150.445	301 KAR 2:251		16 KAR 9:090
150.450	301 KAR 1:152	161.028	16 KAR 2:010
150.603	301 KAR 1:152		16 KAR 4:060
150.625	301 KAR 2:225		16 KAR 5:020
150.990	301 KAR 1:015		16 KAR 5:040
	301 KAR 1:015		16 KAR 6:010
	301 KAR 1:152		16 KAR 9:090
	301 KAR 1:201	161.030	16 KAR 2:010
	301 KAR 2:082		16 KAR 2:040
	301 KAR 2:142		16 KAR 4:060
	301 KAR 2:172		16 KAR 5:020
	301 KAR 2:178		16 KAR 5:040
	301 KAR 2:221		16 KAR 6:010
	301 KAR 2:222		16 KAR 9:090
	301 KAR 2:228	161.042	16 KAR 5:040
	301 KAR 2:251	161.048	16 KAR 9:090
151B	603 KAR 7:080	161.1221	16 KAR 9:090
151B.127	103 KAR 3:040	163	603 KAR 7:080
154.12-2086	103 KAR 3:040	163.450-163.470	782 KAR 1:040
154.20-050	103 KAR 3:040	163.470	782 KAR 1:010
154.20-206	103 KAR 3:020		782 KAR 1:020
154.22-060	103 KAR 3:010		782 KAR 1:030
	103 KAR 3:040	163.500-163.527	735 KAR 1:010
154.22-070	103 KAR 3:010		735 KAR 1:020
154.23-010	103 KAR 3:010	164.001	13 KAR 2:110
154.23-035	103 KAR 3:040	164.020	13 KAR 2:020
154.24-110	103 KAR 3:010		13 KAR 2:110
	103 KAR 3:040	164.030	13 KAR 2:020
154.24-130	103 KAR 3:010	164.295	13 KAR 2:110
154.25-030	103 KAR 3:040	164.518	11 KAR 4:080
154.26-090	103 KAR 3:010		922 KAR 2:240
	103 KAR 3:040	164.772	201 KAR 22:020
154.28-090	103 KAR 3:010	164.744	11 KAR 3:100
	103 KAR 3:040		11 KAR 4:080
154.32-010	103 KAR 3:010		11 KAR 5:145
	103 KAR 3:040	164.748	11 KAR 3:100
154.34-080	103 KAR 3:040		11 KAR 4:080
154.45-090	103 KAR 3:040	164.753	11 KAR 3:100
154.48-025	103 KAR 3:040		11 KAR 4:080
154A.130	11 KAR 15:090		11 KAR 5:145
155.170	103 KAR 3:010	164.769	11 KAR 4:080
	103 KAR 3:040	164.772	201 KAR 22:020
156.070	702 KAR 6:110	164.780	11 KAR 4:080
	704 KAR 5:070	164.785	11 KAR 4:080
156.160	13 KAR 2:020	164.7535	11 KAR 4:080
	704 KAR 5:070		11 KAR 5:145
157	603 KAR 7:080	164.7871	11 KAR 15:090
157.3175	16 KAR 2:040	164.7874	11 KAR 15:090
158.031	703 KAR 5:140	164.7877	11 KAR 15:090
158.6451	13 KAR 2:020	164.7879	11 KAR 15:090
	16 KAR 2:010	164.7881	11 KAR 15:090
	703 KAR 5:002	164.7885	11 KAR 15:090
	703 KAR 5:070	164.7889	11 KAR 5:145
	703 KAR 5:200		11 KAR 15:090
	703 KAR 5:222	164.7890	11 KAR 4:080
	703 KAR 5:230	171.420	725 KAR 1:061
	703 KAR 5:240	171.450	725 KAR 1:061
158.6453	13 KAR 2:020	175.450	601 KAR 1:018
	703 KAR 5:002	177.390-177.570	601 KAR 1:018
	703 KAR 5:070	177.0734-177.0738	603 KAR 4:035
	703 KAR 5:140	177.9771	601 KAR 1:018
	703 KAR 5:220	186.010	601 KAR 1:018
	703 KAR 5:222	186.050	601 KAR 1:018
158.6455	703 KAR 5:070	186.162	201 KAR 37:010
	703 KAR 5:220	186.168	201 KAR 37:010
	703 KAR 5:222	186.412	502 KAR 13:010
160.613-160.617	103 KAR 3:010		502 KAR 13:040

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186.576	782 KAR 1:070	198B.4009	815 KAR 4:030
186.577	782 KAR 1:070		815 KAR 4:040
186.578	782 KAR 1:070		815 KAR 4:050
186.579	782 KAR 1:070		815 KAR 4:060
186A.215	601 KAR 9:160		815 KAR 4:070
186A.295	601 KAR 9:160	198B.4011	815 KAR 4:030
189.125	603 KAR 7:080		815 KAR 4:050
189.221	601 KAR:018		815 KAR 4:060
189.270	601 KAR:018		815 KAR 4:070
	601 KAR 1:019	198B.4013	815 KAR 4:040
189.337	603 KAR 5:050		815 KAR 4:050
189.2225	601 KAR 1:018		815 KAR 4:060
189.2715	601 KAR 1:018		815 KAR 4:070
189.2717	601 KAR 1:018	198B.4017	815 KAR 4:070
189A.010	908 KAR 1:310	198B.4019	815 KAR 4:070
189A.040	908 KAR 1:310	198B.4021	815 KAR 4:070
189A.045	908 KAR 1:310	198B.4023	815 KAR 4:030
189A.070	908 KAR 1:310		815 KAR 4:040
194A.025	907 KAR 17:005		815 KAR 4:050
194A.050	900 KAR 7:040		815 KAR 4:060
196	501 KAR 6:060		815 KAR 4:070
	501 KAR 6:250	198B.4025	815 KAR 4:030
	501 KAR 6:270		815 KAR 4:040
197	501 KAR 6:060		815 KAR 4:050
	501 KAR 6:250		815 KAR 4:060
	501 KAR 6:270	198B.4027	815 KAR 4:030
197.410	501 KAR 1:030	199.011	922 KAR 1:490
198B.010	815 KAR 7:120	199.462	922 KAR 1:490
	815 KAR 7:125	199.896	922 KAR 2:240
198B.030	815 KAR 4:050	199.8941	922 KAR 2:240
	815 KAR 4:060	199.8982	922 KAR 2:240
198B.040	815 KAR 7:120	200.151	922 KAR 2:240
	815 KAR 7:125	202A.011	603 KAR 7:080
198B.050	815 KAR 4:025	202B	603 KAR 7:080
	815.KAR 7:120	205	603 KAR 7:080
	815 KAR 7:125	205.010	921 KAR 2:040
198B.060	815 KAR 7:120	205.200	921 KAR 2:040
	815 KAR 7:125	205.220	921 KAR 2:050
198B.080	815 KAR 7:120	205.245	921 KAR 2:040
	815 KAR 7:125		921 KAR 2:050
198B.110	815 KAR 7:120	205.560	907 KAR 1:018
	815 KAR 7:125	205.561	907 KAR 1:018
198B.260	815 KAR 7:120	205.712	105 KAR 1:190
	815 KAR 7:125	205.745	103 KAR 3:010
198B.400	815 KAR 4:010	205.5631	907 KAR 1:018
198B.400-540	815 KAR 4:025	205.5632	907 KAR 1:018
198B.470	815 KAR 4:010	205.5634	907 KAR 1:018
198B.480	815 KAR 4:010	205.5636	907 KAR 1:018
	815 KAR 4:070	205.5638	907 KAR 1:018
198B.500	815 KAR 4:010	205.5639	907 KAR 1:018
198B.510	815 KAR 4:010	205.6316	907 KAR 1:018
198B.520	815 KAR 4:070	209	603 KAR 7:080
198B.540	815 KAR 4:010	209.020	921 KAR 2:015
198B.650	815 KAR 8:030	209.160	103 KAR 3:010
198B.654	815 KAR 8:007	210	603 KAR 7:080
198B.656	815 KAR 8:030	210.710	908 KAR 3:050
198B.658	815 KAR 8:030		908 KAR 3:060
198B.662	815 KAR 8:030	210.720	908 KAR 3:050
198B.664	815 KAR 8:030		908 KAR 3:060
198B.676	815 KAR 8:007	210.730	908 KAR 3:050
198B.700	815 KAR 6:010		908 KAR 3:060
198B.704	815 KAR 6:050	211.180	902 KAR 15:020
198B.706	815 KAR 6:010	211.490	902 KAR 28:010
	815 KAR 6:050		902 KAR 28:020
198B.710	815 KAR 6:050		902 KAR 28:030
198B.712	815 KAR 6:010		902 KAR 28:040
198B.714	815 KAR 6:010		902 KAR 28:050
198B.716	815 KAR 6:010		902 KAR 28:060
198B.722	815 KAR 6:010	211.492	902 KAR 28:010
198B.724	815 KAR 6:010		902 KAR 28:020
198B.990	815 KAR 7:120		902 KAR 28:030
	815 KAR 7:125		902 KAR 28:040
198B.4003	815 KAR 4:030		902 KAR 28:050
	815 KAR 4:040		902 KAR 28:060



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	902 KAR 28:020	224.20-110	401 KAR 51:052
	902 KAR 28:030	224.20-120	401 KAR 51:052
	902 KAR 28:040	224.40	401 KAR 42:060
	902 KAR 28:050		401 KAR 42:070
	902 KAR 28:060		401 KAR 42:080
211.496	902 KAR 28:010	224.43	401 KAR 47:205
	902 KAR 28:020		401 KAR 42:060
	902 KAR 28:030		401 KAR 42:070
	902 KAR 28:040		401 KAR 42:080
	902 KAR 28:050		401 KAR 47:205
	902 KAR 28:060	224.46	401 KAR 42:060
211.842-852	902 KAR 100:019		401 KAR 42:070
	902 KAR 100:022	224.60	401 KAR 42:005
	902 KAR 100:040		401 KAR 42:020
	902 KAR 100:042		401 KAR 42:030
	902 KAR 100:100		401 KAR 42:040
	902 KAR 100:142		401 KAR 42:060
211.990	902 KAR 100:019		401 KAR 42:070
	902 KAR 100:022		401 KAR 42:080
	902 KAR 100:040	224.60-105	401 KAR 42:330
	902 KAR 100:042	224.60-120	401 KAR 42:250
	902 KAR 100:100	224.60-130	401 KAR 42:250
	902 KAR 100:142		401 KAR 42:330
214.615	201 KAR 22:020	224.60-135	401 KAR 42:250
216	603 KAR 7:080	224.60-140	401 KAR 42:250
216.557	921 KAR 2:015		401 KAR 42:330
216.750	921 KAR 2:015	224.60-150	401 KAR 42:250
216.2920-216.2929	900 KAR 7:030		401 KAR 42:330
216.2923	900 KAR 7:040	224.99	401 KAR 47:205
216.2925	900 KAR 7:040	227.300	815 KAR 7:120
216B.010	900 KAR 6:075	227.550	815 KAR 7:120
	900 KAR 6:125		815 KAR 7:125
216B.010-130	900 KAR 6:080	229.011	201 KAR 27:100
216B.010-216B.131	921 KAR 2:015	229.021	201 KAR 27:011
216B.015-216B.130	900 KAR 6:030		201 KAR 27:012
215B.040	900 KAR 6:125		201 KAR 27:016
216B.095	900 KAR 6:075		201 KAR 27:017
216B.330-339	900 KAR 6:080		201 KAR 27:035
216B.455	900 KAR 6:075		201 KAR 27:100
	900 KAR 6:030	229.031	201 KAR 27:100
	900 KAR 6:080	229.071	201 KAR 27:011
216B.990	900 KAR 6:075		201 KAR 27:012
	900 KAR 6:030		201 KAR 27:016
	900 KAR 6:080		201 KAR 27:017
217	201 KAR 2:170		201 KAR 27:100
217B	302 KAR 29:061E	229.081	201 KAR 27:011
217.015	907 KAR 1:018		201 KAR 27:012
219.310-219.410	902 KAR 15:020		201 KAR 27:016
219.991	902 KAR 15:020		201 KAR 27:017
222.003	908 KAR 1:310		201 KAR 27:035
222.005	908 KAR 1:310	229.091	201 KAR 27:011
222.221	908 KAR 1:310		201 KAR 27:012
222.231	908 KAR 1:310		201 KAR 27:016
222.271	908 KAR 1:310		201 KAR 27:017
222.990	908 KAR 1:310		201 KAR 27:055
224.01	401 KAR 42:005		201 KAR 27:100
	401 KAR 42:020	229.101	201 KAR 27:011
	401 KAR 42:060		201 KAR 27:012
	401 KAR 42:070		201 KAR 27:016
	401 KAR 42:080		201 KAR 27:017
	401 KAR 47:205		201 KAR 27:100
224.01-310	103 KAR 3:010	229.131	201 KAR 27:011
	103 KAR 3:020		201 KAR 27:012
224.01-400	401 KAR 42:250		201 KAR 27:016
224.01-405	401 KAR 42:250		201 KAR 27:017
224.10	401 KAR 42:005		201 KAR 27:100
	401 KAR 42:020	229.171	201 KAR 27:011
	401 KAR 42:030		201 KAR 27:012
	401 KAR 42:040		201 KAR 27:016
	401 KAR 42:040		201 KAR 27:017
	401 KAR 42:070		201 KAR 27:035
	401 KAR 42:080		201 KAR 27:100
	401 KAR 47:205	229.180	201 KAR 27:012
224.10-410	405 KAR 5:095		201 KAR 27:016

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	201 KAR 27:035	243.710	103 KAR 3:010
	201 KAR 27:055	243.720	103 KAR 3:010
229.200	201 KAR 27:035	243.730	103 KAR 3:010
	201 KAR 27:055	243.850	103 KAR 3:010
229.991	201 KAR 27:035	243.884	103 KAR 3:010
	201 KAR 27:055	246.650	302 KAR 45:010
	201 KAR 27:100	246.660	302 KAR 45:010
230.215	810 KAR 1:009	246.990	302 KAR 45:010
	810 KAR 1:012	247.920	103 KAR 3:020
	810 KAR 1:014	248.756	103 KAR 3:010
	810 KAR 1:027	257.010	301 KAR 20:052
230.225	810 KAR 1:090	257.160	301 KAR 20:052
	810 KAR 1:150	273	603 KAR 7:080
	811 KAR 1:290	278	807 KAR 5:076
	811 KAR 2:200	278.030	807 KAR 5:076
	810 KAR 1:070	278.040	807 KAR 5:076
230.240	810 KAR 1:005	278.160	807 KAR 5:076
	810 KAR 1:027	278.180	807 KAR 5:076
230.260	810 KAR 1:014	278.185	807 KAR 5:076
	810 KAR 1:145	278.190	807 KAR 5:076
	810 KAR 1:150	278.310	807 KAR 5:076
	811 KAR 1:285	278.380	807 KAR 5:076
	811 KAR 1:290	278.702	807 KAR 5:100
	811 KAR 2:185		807 KAR 5:110
	811 KAR 2:200	278.704	807 KAR 5:100
230.290	810 KAR 1:027		807 KAR 5:110
	810 KAR 1:145	278.706	807 KAR 5:100
	810 KAR 1:150		807 KAR 5:110
	811 KAR 1:285	278.708	807 KAR 5:100
	811 KAR 1:290		807 KAR 5:110
	811 KAR 2:185	278.710	807 KAR 5:100
	811 KAR 2:200		807 KAR 5:110
230.310	810 KAR 1:027	278.712	807 KAR 5:100
	810 KAR 1:145		807 KAR 5:110
	810 KAR 1:150	278.714	807 KAR 5:100
	811 KAR 1:285		807 KAR 5:110
	811 KAR 1:290	278.716	807 KAR 5:100
	811 KAR 2:185		807 KAR 5:110
	811 KAR 2:200	281	603 KAR 7:080
230.320	810 KAR 1:027	281A	601 KAR 11:035
	810 KAR 1:145	281.010	601 KAR 1:019
	810 KAR 1:150	281.838	601 KAR 1:018
	811 KAR 1:285	292.336	808 KAR 10:400
	811 KAR 1:290	299.530	103 KAR 3:010
	811 KAR 2:185	304.09	806 KAR 9:020
	811 KAR 2:200	304.1-050	806 KAR 3:170
230.330	810 KAR 1:070		806 KAR 9:070
230.361	810 KAR 1:150		806 KAR 17:545
	811 KAR 1:290		806 KAR 49:050
	811 KAR 2:200	304.1-110	806 KAR 9:070
230.370	810 KAR 1:150	304.2-065	806 KAR 3:170
	811 KAR 1:290	304.2-210-304.2-290	806 KAR 3:170
	811 KAR 2:200	304.2-310	806 KAR 17:545
230.400	810 KAR 1:090	304.3-120	806 KAR 3:170
230.800	810 KAR 1:070		806 KAR 3:190
234.321	103 KAR 3:010	304.3-125	806 KAR 3:170
234.370	103 KAR 3:010	304.3-140	806 KAR 3:190
235.010	301 KAR 1:015	304.3-240	806 KAR 3:170
235.285	301 KAR 6:040		806 KAR 3:190
235.310	301 KAR 6:040	304.3-241	806 KAR 3:170
235.315	301 KAR 6:040	304.3-400	806 KAR 49:050
235.990	301 KAR 1:015	304.3-430	806 KAR 49:050
237.110	301 KAR 2:172	304.3-500-304.3-570	806 KAR 49:050
	502 KAR 11:010	304.4-010	806 KAR 2:095
	502 KAR 11:020		806 KAR 9:070
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	502 KAR 13:040	304.11-050	103 KAR 3:010
	502 KAR 13:070	304.5-020	806 KAR 3:190
237.138	502 KAR 13:040	304.5-030	806 KAR 3:190
	502 KAR 13:070	304.5-040	806 KAR 3:190
237.138-237.142	502 KAR 13:010	304.5-050	806 KAR 3:190
237.140	502 KAR 13:040	304.5-060	806 KAR 3:190
	502 KAR 13:070	304.5-070	806 KAR 3:190
237.142	502 KAR 13:040	304.5-080	806 KAR 3:190

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304.5-140	806 KAR 49:050	309.316	201 KAR 39:100
304.5-150	806 KAR 49:050	309.318	201 KAR 39:060
304.6	806 KAR 3:190		201 KAR 39:100
304.7	806 KAR 3:190		210 KAR 39:120
304.9-020	806 KAR 17:545	309.357	201 KAR 42:040
	806 KAR 49:050	309.358	201 KAR 42:035
304.9-030	806 KAR 9:070	309.359	201 KAR 42:035
304.9-105	806 KAR 9:070	309.361	201 KAR 42:040
304.9-160	806 KAR 9:070	309.3015	201 KAR 39:001
304.9-190	806 KAR 9:070	311.530-311.620	201 KAR 9:090
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304.9-260	806 KAR 9:220	311.560	907 KAR 1:018
304.9-295	806 KAR 9:220		
304.9-320	806 KAR 9:320	311.990	201 KAR 9:090
304.9-390	806 KAR 12:120	314.011	201 KAR 20:056
304.9-430	806 KAR 9:070		201 KAR 20:057
304.9-505	806 KAR 9:070		201 KAR 20:161
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304.12-010	806 KAR 12:120		907 KAR 1:595
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